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TRADE UNIONISM

The Social Problems Series

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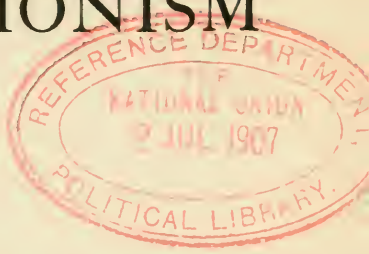

BY

RICHARD BELL, M.P.
SECRETARY AMALGAMATED SOCIETY OF RAILWAY SERVANTS

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TRADE UNIONISM

A BRIEF HISTORY OF THE INAUGURATION, PROGRESS, AND DEVELOPMENT OF TRADE UNIONS

TRADE UNIONS have been heard of more during the last six years, and particularly the year just closed (1906), than perhaps ever before. The growth of population and industries has given wider fields for the propagation of Trade Unionism, greater necessity for its existence, and, naturally, created greater interest for and against it. The House of Lords' decision in the Taff Vale case in 1901, therefore, created quite a sensation in the camps of both employers and workmen. Last year, when the Government undertook the responsibility of enacting that Trade Unions should be replaced in the position in which they were understood to be prior to that decision, those who were and are opposed to Trade Unions brought all sorts of pressure to bear upon the Government and the House of Lords to

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prevent such a charter being granted to the Trade Unionists, many prophesying all sorts of wicked and tortious acts being committed if such were to be done. Such alarming pictures of cruelty and injustice were drawn as if Trade Unionism was a new thing and never existed previously.

It must be excusable, therefore, to those who conclude that the people so much alarmed, and who contemplate such mischievous work on the part of Trade Unions in the future, have never acquainted themselves thoroughly with the history of Trade Unionism, and, certainly, never read Mr. Sydney Webb's *History of Trade Unions.*

No person has rendered a greater or more useful service to the Trade Union Movement than Mr. and Mrs. Webb by the publication of that book, which is regarded as a fountain of information, going back many centuries. It is a pity the price prohibits it being in the hands of every working man, or Trade Unions in this country would be in a far stronger position than they are even now.

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The principles of Trade Unionism, though not called by that name, can be traced back to B.C. 1490, when the Hebrew brickmakers in Egypt revolted against being required to make bricks without straw. From that time forward, no doubt, if records were made and could be found, we should

find that men did form combinations for the protection of their own trade or interests.

In the Middle Ages we find there existed many combinations under the title of "Gilds," ostensibly for the same purposes as present-day Trade Unionism, the difference between the two periods in conditions and methods of employment necessitating the same changes in the conditions and methods of Trade Unions.

In 1417 we find the tailors in London were forbidden to dwell apart from their masters because they held assemblies and formed a kind of association. In 1538 it is reported that the Bishop of Ely reported to Cromwell that twenty-one journeymen shoemakers of Wisbech had assembled on a hill without the town, and sent three of their number to summon all the master shoemakers to meet them, in order to insist upon an advance in their wages, threatening that "there shall none come into the town to serve for that wages within a twelvemonth and a day, but we woll have an harme or a legge of hym, except they woll take an oath as we have doon."

A pamphlet of 1669 contains what appears to be a complaint against these combinations, the reading of which sounds very much like some articles which appeared in the *Times* in 1903 against the present-day Trade Unions. A portion of it read:

"The general conspiracy amongst artificers and laborers is so apparent that within these twenty-five years the wages of joiners, bricklayers, carpenters, etc., are increased, I mean within 40 miles of London (against all reason and good government), from eighteen and twenty pence a day, to 2s. 6d. and 3s., and mere labourers from 10 and 12 pence a day, to 16 and 20 pence, and this not since the dreadful fire of London only, but some time before. A journeyman shoemaker has now in London (and proportionately in the country) 14 pence for making that pair of shoes which within these 12 years he made for 10 pence. . . . Nor has the increase of wages amongst us been occasioned by quickness of trade and want of hands (as some do suppose), which are indeed justifiable reasons, but through an exacting humour and evil disposition in our people that they may live the better above their station, and work so much the fewer days by how much the more they exact in their wages."

Each act of combination amongst the workpeople as they were found out by the employers, companies, or corporations, was brought before the notice of Parliament in some form or other, but generally by petitions, and almost in every case an Act was passed prohibiting that particular form of combination. In 1720 the master tailors complained to Parliament that "the Journeymen Taylors in and about the

Cities of London and Westminster, to the number of seven thousand and upwards, have lately entered into a combination to raise their wages and leave off an hour sooner than they used to do; and for the better carrying on of their design have subscribed their respective names in books prepared for that purpose, at the several houses of call or resort (being publick-houses in and about London and Westminster) where they use; and collect several considerable sums of money to defend any prosecutions against them." Parliament listened to this complaint, and passed Act 7 Geo. 1, restraining both the giving and the taking of wages in excess of a stated maximum, and all combinations being prohibited.

In 1741 a short essay upon Trade in General was written by "A Lover of his Country," in which it was remarked that the woolcombers had "for a number of years past erected themselves into a sort of a corporation (though without a charter); their first pretence was to take care of their poor brethren that should fall sick or be out of work; and this was done by meeting once or twice a week, and each of them contributing twopence or threepence towards the box to make a bank, and when they became a little formidable they gave laws to their masters, and also to themselves—viz., That no man should comb wool under two shillings per dozen; that no master should employ any comber that was

not of their club; if he did, they agreed one and all not to work for him; and if he employed twenty, they all of them turned out, and oftentimes were not satisfied with that, but would abuse the honest man that would labour, and in a riotous manner beat him, break his comb-pots, and destroy his working tools. They further support one another, in so much that they are become one Society throughout the kingdom. And that they may keep up their price to encourage idleness rather than labour, if any one of their club is out of work, they give him a ticket and money to seek for work at the next town where a box club is, where he is also subsisted, suffered to live a certain time with them, and then used as before, by which means he can travel the kingdom round, be caressed at each club, and not spend a farthing of his own money or strike one stroke of work. This hath been imitated by the weavers also, though not carried through the kingdom, but confined to the places where they work." Such cases as these may be cited by the score right down to the time the old Combination Laws were repealed; but the selection I have made will suffice to illustrate the fact that the principles of Trade Unionism are of ancient character, and anything which has occurred in connection with modern Trade Unions did take place in the early and Middle Ages, and what was said against these combinations in those days is

said against our Trade Unions now. In spite of it all, our country has so prospered as to be the richest in the world; while through and by our Trade Unions our working people are among the best paid and work less hours on the average than in any other country, though, of course, there is much room for improvement still, and will improve as each generation comes along.

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The struggles which took place by the work-people in those days cannot be imagined by those of the present day. Strikes and any organised resistance to the employers were put down with a high hand. Legal persecutions were common, Trade Unionists were regarded as rebels and revolutionists. In spite of it all, Trade Unionism could not be put down, and whilst it prevented their healthy growth, it drove the members into violence and sedition. Even in the early part of the eighteenth century, midnight meetings had to be held in the corners of fields, records buried, secret oaths; and long terms of imprisonment, in many instances penal servitude, to the leading officials when found out. Then as now, prejudice existed amongst all the classes other than the labouring class, particularly the bench and the High Courts. There is no case on record where a Trade Union leader was tried with patience and free from some invective or insult, and justice

appeared to be out of the question. Owing to the inefficient organisation of the police, and the absence of any public prosecutor, these combinations were let alone until some employer was sufficiently inconvenienced to be willing himself to put the law in motion. While all this was being done against combinations of workmen, the employers themselves combined to their hearts' content, and there is no record of a single case of employers having been prosecuted for illegally combining. The difficulty then, as now, was inability to get at them and their doings, they being able to arrange their affairs in private, whilst workpeople have invariably to do theirs in public or semi-public. To the ordinary politician a combination of employers and a combination of workmen seemed in no way compatible. Francis Place, a great leader of the movement in the early part of the last century, said that "The Combination Laws were considered as absolutely necessary to prevent ruinous extortions of workmen, which, if not thus restrained, would destroy the whole of the Trade, Manufactures, Commerce, and Agriculture of the Nation." We are told the same thing now, and the *Times* in 1903 set itself out to try and prove it, since when, happily, the "trade, manufactures, and commerce of the nation" have reached an unprecedented record, and continue to go up.

Whilst this persecution was going on, and leaders of the Unions being imprisoned without either justice or mercy, in spite of it all the Unions were growing more powerful and numerous each year. The movement later on elicted the sympathy of one of the High Court Justices. It was at a dinner to Joseph Hume, M.P. (one of the few members of Parliament of that day who interested himself most keenly, and who was chiefly instrumental in bringing about the repeal of the Combination Laws in 1824), at Edinburgh, 18th November 1825, that Lord Jeffrey said: "A single employer was at liberty at any time to turn off the whole of his workmen at once—a hundred or a thousand in number—if they would not accept of the wages he choose to offer. But it was made an offence for the whole of the workmen to leave that master at once if he refused to give the wages they choose to require." That was considered by some to be the position between 1901 and 1906.

The assembling of Parliament in 1825 found the employers of the country thoroughly aroused. Hume and Place had warned the Unions against a possible re-action. The great shipbuilding and shipowning interests, whose hostility to Trade Unionism was well known for a century, had the ear of Huskisson, the President of the Board of

Trade and member for Liverpool. Early in the session he moved for a Committee of Inquiry into the Conduct of the Workmen, and the effect of the recent Act. The Committee was appointed, and consisted almost exclusively of Ministerial benchmen. Hume, however, was included, he being considered the representative of the workmen. Huskisson intended the Committee to be merely a formal preliminary to the introduction of the Bill which the shipping interests had drafted, under which Trade Unions and even Friendly Societies would have been impossible. It is stated that it was the original intention to call only a few employers to give evidence, to exclude evidence from the other side, and promptly report in favour of the Bill already prepared. Hume and Place, however, arranged for Committees representative of all Unions being formed in London, Manchester, Glasgow, Sheffield, and Newcastle, and these kept up a persistent agitation against the re-enactment of the Combination Laws. Petitions poured into both Houses of Parliament; also, the passages leading to the Committee-Rooms were kept full of men insisting upon giving evidence to rebut the accusations made by the employers, and waylaying individual members, to whom they explained their grievances. The workmen having gained their freedom of association, were determined to maintain

it. The Committee was compelled to hear evidence from the workmen, who testified to the good result of the Act of the previous year. The result was, the shipowners' Bill was abandoned, and the House of Commons was recommended to pass a measure nominally re-establishing the general common law prohibiting combination, but specifically excepted from prosecution associations for the purpose of regulating wages or hours of labour.

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This was like a charter to the organised workers, and great activity was displayed between this and 1832. Organisation grew both in membership and societies, and the employers also began to organise on similar lines to meet the working men's societies. The latter, or many of them, became more aggressive, a natural corollary on obtaining freedom after suffering many years of tyranny, oppression, and persecution. It soon became apparent also that a new element sprung up in the ranks of the Trade Unions, which divided them into two, of what may be termed the new and old Unionism.

The latter exercised greater caution in their procedure, and were not too hasty or precipitate in their actions. The new element was more aggressive and too hasty to make progress, in consequence of which there were many battles fought between workmen and employers, and invariably the latter

came out successful, and strikes proved disastrous to the men, in some instances completely breaking up the Unions. It seemed as if the emancipated organisations were no better able to resist the employers than they were before the repeal of the Combination Laws, and in some instances men resorted to violence and machine-breaking. This seems to prove the futility of sectional organisations, and most of the men turned to wider spheres of political agitation of the radical and socialistic kinds.

For some years from about 1832 strikes had declined, for there appears to be not one successful strike amongst the large number that took place, the combinations of the employers invariably having proved superior; but still a few did take place, and the least aggressive of the Unions set themselves to spread out on national lines, so as to be better equipped to meet the more powerful combinations of employers, at the same time displaying greater activity politically. This brought to the men's side a few members of Parliament who sympathised with them and their movement; while on the other hand the employers were again looking to Parliament for their protection, bringing great pressure to bear upon ministers and members to repeal the Act of 1825, and bringing actions against the leaders of the Unions under various

charges. Picketing, however peacefully conducted, was severely penalised, and men were frequently prosecuted under the Master and Servants Act.

The efforts put forward in favour of social reform seem to have been more successful, and many of the organisations became almost parts of the "Chartist" Movement. Where the organisations did not become part of the Chartist Movement, many of the leaders took very active part in it.

It is not intended or possible to go very much into the details of the "Chartist" Movement in this volume, but a passing reference is necessary to show each stage in the progress of what has been the basis upon which the structure of the Trade Unions of to-day has been built.

The Chartist Movement over, and things got settled down again, another effort was made to revive the Trade Unions, this time with better results. Many new Unions were formed, and others extended on National lines. Strikes were less frequent and the hostilities had somewhat diminished. Although the more sensational prosecutions of leaders had been almost abandoned, yet there was almost a continuous persecution of the rank and file throughout the country, the interpretation of the law relating to masters and workmen being always unfavourable to the latter. The Unions therefore set themselves to resist this legal oppres-

sion, the Miners' Union being the most active in this particular.

In 1845, as a result of the great revival of Trade Unionism, there was started what was called the "National Association of United Trades," something on the lines of the present Parliamentary Committee and Trades Union Congress. It rendered useful service in its way, mainly as an example of what consolidated trades could accomplish. Amongst the first to consolidate kindred little sections and become a powerful National Union, was the Amalgamated Society of Engineers in 1850. The constitution of the A.S.E. became a model for many others. The several sections in the Carpentery and Joinery trade became the Amalgamated Society of Carpenters and Joiners; the Tailors drew themselves together into an Amalgamated Society; the London Society of Compositors adopted the code.

In 1844 the Co-operative Movement was started, and was worked up concurrently with the rapid progress the Trade Unions were now making. It was, however, the great strike in the London Building Trades in 1858 that gave the movement a stimulus. The carpenters, masons, and bricklayers had presented a petition for certain demands. One of the employers promptly dismissed one of the men who had presented the memorial. This action led to a strike against

this employer. Within a fortnight from this, every master builder in London had closed his shop against the men, and twenty-four thousand men peremptorily thrown out of employment.

This declaration of war against Trade Unionism gained the men enormous support. Money poured in from all quarters—over £23,000 was subscribed, apart from contributions from the Societies concerned. This enabled the men to defeat the employers' aims, although they did not succeed in securing their own.

This great battle of forces was a great object-lesson; it revived the feeling of solidarity. Out of it grew the London Trades Council. By 1860 councils had been formed in Glasgow, Edinburgh, Sheffield, and Liverpool. In 1861, George Howell became secretary of the London Trades Council, and was succeeded the following year by George Odger. Now the council had got into good hands, with Howell and Odger as leaders, and they were soon augmented by other able men like themselves. They succeeded in getting the council to carry on a vigorous agitation for the amendment of the Master and Servants Act. Demonstrations were organised in the principal towns throughout the country, petitions to Parliament, deputations lobbying the House of Commons, and Conferences of Trade Unionists and legislatures, until at last they succeeded

in 1867 in getting a Bill passed remedying the grossest injustices. This, the first success of the Trade Unions in the political arena, strengthened their confidence in Parliamentary agitation.

During the four years the agitation was carried on for the Amendment of the Master and Servants Act, there was a growing uneasiness owing to nothing being done in connection with conditions of labour, whilst at the same time the Unions were growing stronger in membership and financially. The employers were correspondingly strengthening their position, when again a renewal of the employers' weapon, the lock-out, was used vigorously, and the hostilities grew bitter once more. The employers were demanding to have Trade Unions put down, and holding out the terrorism of Trade Unionism as a nightmare. In this great turmoil many outrages were once more committed, which ended by the explosion of a can of gunpowder in a workman's house in Sheffield.

Then there arose a great demand for an inquiry into the conduct and actions of the Trade Unions, in which the Trade Unions themselves joined. A Royal Commission was appointed in 1867, which sat for three years, and upon which the Trade Unionists had one good friend and sympathiser in Mr. Frederic Harrison, whose interest and opinion has been of great value in the more recent move-

ment for restoring the position of Trade Unions to the ante-Taff Vale decision.

In the same year a very important and far-reaching decision had been given in the case of the Boilermakers' Society. The Society had occasion to take proceedings against a treasurer of one of their branches for embezzling the funds. The magistrates refused to convict, and held that the Society could not proceed against the treasurer under the Friendly Societies Act; it being a Trade Union, was outside the scope of that measure. The case was carried up to the High Court of Queen's Bench, where four judges confirmed the decision, giving additional reasons that the objects of the Union, if not since 1825 actually criminal, were so far in restraint of trade as to render the Society an illegal association.

This caused some consternation amongst the leaders of the Unions. Trade Unionism was now assailed by the employers and the judges, and it was not difficult to observe that the employers were determined to make a strong case against the Unions before the Royal Commission. Evidence was produced, sometimes of a startling character, and the employers spared nothing that was likely to convince the Commissioners of the absolute necessity of re-enacting the old Combination Laws. On the other hand, the leaders of the Trade Unions,

assisted by a few members of Parliament and others, spared nothing to prove the higher objects and ideals of the Trade Unions, and the condemnation of the outrages which had been committed. It was shown that the influence of central Executive Councils, and the formation of public opinion among Trade Unions, tended to restrain the more aggressive and exciting actions of the men embittered in a local dispute. Several conferences were held in London, Manchester, Birmingham, and other places, where resolutions were passed in support of the claims of the Unions. At the same time a change was coming over the political situation, for the Reform Bill of 1867 had given working men the Franchise in the boroughs, and the leaders were not slow to use to their own advantage this new power given to them. The Trades Councils throughout the country, followed by the Councils of many of the larger Societies, issued circulars urging their members to vote only for candidates who would support the Trade Union demands.

In 1869, Mr. Frederic Harrison drafted a Bill embodying the principles contained in his minority report, which was introduced by Mr. Mundella and Mr. Tom Hughes. Its provisions received the denunciations of the employers, but it gained some support from the newly elected members of Parliament, and received a strong backing outside. The

Government of the day and the greater number of their supporters were still hostile to Trade Unions, and were anxious to shelve the Bill. The Trade Unionists, however, were determined to press their claim forward, and from every part of the country great pressure was brought to bear upon the members of Parliament. A great demonstration was also held in the Exeter Hall, at which Mr. Mundella and Mr. Hughes expressed their determination to make the Government and the House vote on the detested Bill. The Government, finding it difficult to evade the question any longer, abandoned its hostility, and allowed the Second Reading to take place, upon the understanding that a Government Bill should be introduced next year. A provisional measure, giving temporary protection to Trade Union funds, was hurried through at the end of the Session, pending the introduction of the larger Bill. This was the first triumph of the political action of the Trade Unions.

The next Session found the Government rather reluctant to carry out its promise, but the Trade Unionists were determined not to let the matter rest, and continued to bring pressure to bear upon the Government, after which the Home Secretary (Mr. Bruce) produced in 1871 a Bill which caused intense interest amongst the Trade Unionists. The Government proposed to concede all the points

upon which it had been specially pressed. No Trade Union was to be illegal because it was "in restraint of trade." Every Union was to be entitled to be registered, if its rules did not contravene the criminal law. It gave complete protection of the Union funds, and prevented them being sued or proceeded against in a Court of Law.

Section 4 of the Act states:

"Nothing in this Act shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely: (1) Any agreement between members of a Trade Union as such, concerning the conditions on which any members for the time being of such Trade Union shall or shall not sell their goods, transact business, employ or be employed."

This is the principal section dealing with the conduct of the Unions: in "restraint of trade"; the other sub-sections of this Section apply to the members and the Unions as such. Nothing, however, seems to be necessary to make it clear that the Trade Unions were and would be immune from the Law so far as civil proceedings were concerned, or to enable damages to be recovered from the Unions.

To bring about this success the Trade Unionists had been most active. In 1868 a large National Trades Union Congress was called together at Man-

chester, when a Parliamentary Committee was formed to assist the movement in securing the reforms aimed at.

From this time forward the Trades Union Congress became a permanent institution. In 1871, concurrently with the passing of the Trade Union Act, the Criminal Law Amendment Act was passed, which largely nullified the main principles of the Trade Union Act, or gave opportunities to employers to proceed against workmen without much difficulty. The Parliamentary Committee, therefore, set itself to work to get the Criminal Law Amendment Act repealed, and for four years persistently agitated for this, believing it to be an indignity to the workmen, as well as hampering them in bringing about improvements in the general conditions of labour. The legislation of 1871 was regarded by the Government as the final solution of the question. But some of the Judges declared that it only made the object of a strike legal, whilst it left the means by which the object was to be attained illegal. It was therefore no advantage to have a strike made legal if all means by which it was to be attained or maintained were illegal. The employers again took advantage of this, and men and women were imprisoned with impunity. For instance, in South Wales seven women were imprisoned for saying "Bah" to one blackleg.

These innumerable petty prosecutions, amounting to persecution, caused a great deal of irritation, and spurred on the Trade Unionists to insist upon the repeal of the Criminal Law Amendment Act. Representation and pressure were brought to bear upon the Government and members of Parliament. Mr. Gladstone, as Prime Minister in 1872, refused to admit that there was any necessity for further legislation and declined to take the matter up, and during that Session the Parliamentary Committee failed to get a member willing to introduce a Bill for the repeal of the Criminal Law Amendment Act.

The Trade Union leaders, however, rather than relaxing their efforts, put forward greater efforts and energies than ever, adding to their side thousands of politicians in all the industrial centres. Leaflets were published setting out details of the prosecutions; Tracts for Trade Unionists were written by Mr. Crompton and Mr. Frederic Harrison. The Trades Union Congresses in 1872, 1873, and 1874 severely condemned those members of Parliament who treated the Parliamentary Committee with contempt. The General Election was now approaching near, and the pressure upon the political parties was increased. Lists of questions to Parliamentary candidates were prepared embodying the legislative claims of Labour. It was also made clear, no one would receive the

support of Trade Unionists unless his answers would be satisfactory.

At the Trades Union Congress in 1874 it was reported that several Societies, including the Miners, had actually voted money for Parliamentary candidates. At the General Election no less than thirteen candidates went to the poll. The result was Mr. Alex. Macdonald and Mr. Thomas Burt were returned as the first Labour representatives in Parliament. The Conservative Party, having now got into power, were keen to observe the electioneering attitude and power of the Trade Unionists. The Trade Unionists assumed that the Criminal Law Amendment Act would immediately be repealed. They were, however, disappointed when it was announced that a Royal Commission was to be appointed to inquire into the operations of the "Labour Laws." The Trade Union leaders regarded this as an attempt to shelve the question, and refused to become members of the Commission or to give evidence before it. The Home Secretary gave most specific assurances that the Government were in real earnest about bringing in legislation at the earliest opportunity; then Mr. Macdonald allowed himself to serve on the Commission, and Mr. George Shipton, Secretary of the London Trades Council, gave evidence.

In 1875 the Home Secretary introduced two

Bills for altering both the Criminal and Civil Law. These were so amended in Committee by the efforts of Mr. Mundella, the two Labour members, and others, that they became Acts completely satisfactory to the Trade Unionists. The Criminal Law Amendment Act was unconditionally repealed, and by the Conspiracy and Protection of Property Act definite and reasonable limits were set to the application of the law of conspiracy in trade disputes. The Master and Servants Act, 1867, was replaced by the Employers and Workmen Act. Masters and servants became as employers and workmen, equal to a civil contract. Imprisonment for breach of engagement was abolished. Peaceful picketing was expressly permitted. Collective bargaining, with all its necessary accompaniments, was, after half a century of hard struggling, fully recognised by the laws of the land.

This was, indeed, a great triumph for the Trade Unionists. They were now free to set to work to improve the conditions of the toiling masses, to raise their standard of life.

Trade Unions also grew in membership and finances. The Trades Union Congress made steady growth in membership and political influence. It carried on the agitation outside, and brought pressure to bear inside the House of Commons; and largely by this and the able advocacy of Macdonald and

Burt, their representatives in Parliament, was secured the abolition of the Truck Act and the enlargement of the Factory and Workshops Act.

At the General Election of 1880 the two Labour members were supported by the return of Mr. Henry Broadhurst. In the same year, after many years of agitation by the Amalgamated Society of Railway Servants and the Parliamentary Committee, the Employers' Liability Act came into operation. In 1882 the Metalliferous Mines Act became law. It was in the same year also that Sir William Harcourt appointed the first workmen Inspectors of Factories. In 1883 the Factories Act was extended to bakehouses and white-lead works.

In the General Election of 1885, when the Liberal party was returned, the number of Labour Members of Parliament was increased to eleven, and, for the first time, Sir George Trevelyan, as Chancellor of the Duchy of Lancaster, appointed four representatives of Trade Unions to the Magisterial Bench. For the first time in the history of Parliament also, a Labour Representative was appointed to the Ministry as Under-Secretary of State. Mr. Henry Broadhurst, as Under-Secretary to the Home Office, rendered very valuable services in that capacity.

Mr. Mundella, who was President of the Board of Trade, created the Labour Department, and appointed the General Secretary of the Amalgamated

Society of Engineers, Mr. John Burnett, as its correspondent.

After the General Election in 1886 the Labour members were reduced by two, and from that to 1892 there was not much industrial legislation adopted. There was, however, the Mines Consolidation Act, and a mild amendment of the Truck Act. The most important item was the Fair Contract Resolution in 1889.

By this time the conditions of the workers had been considerably improved, which caused them to become apathetic and indifferent towards Labour legislation. The failure of social legislation between 1886 and 1892 stirred up the Trade Union leaders; and the Trades Union Congress had been pressing forward their demands for social legislation, and particularly an amendment of Employers' Liability Act. This resulted at the General Election in 1892 in fourteen Labour Representatives being returned. In 1893 the Government brought in an Employers' Liability Bill, out of which no employer could contract; it passed the Commons, but when it arrived in the House of Lords, however, Lord Dudley introduced an amendment enabling employers to contract out of its provisions. On this being received back in the Commons, Mr. Asquith and other members of the Government consulted the Parliamentary Committee, when it was decided to

reject it. It was in moving the discharge of this Bill that Mr. Gladstone made his famous protest against the persistence of the House of Lords in interfering with, and preventing the enactment of, Labour Legislation.

Fifteen additional workmen representatives were appointed factory inspectors, and the rules forbidding Government workers joining Trade Unions were abolished this same year.

In 1893 the Railway Regulations (Hours) Act was passed, empowering the Board of Trade to interfere in cases where railway workers engaged in the manipulation of traffic were considered as being employed excessive hours,—the result of years of agitation by the Amalgamated Society of Railway Servants and the Parliamentary Committee.

In the same year also, the Government abolished Income Tax on wages under three pounds per week.

In 1893, also, the "Independent Labour Party" was formed, which carried out a vigorous propaganda for "Independent Labour Representation"; but in 1895, when the Conservative Party was returned, the number of Labour Representatives in the House was reduced by three. The only legislation of any importance directly affecting labour was the remitting of school fees in perpetuity, an amendment of the Truck Act, and the Workmen's Compensation Act. In 1889 the

South African War broke out, so that little else could get the attention of the Government. In 1900 the Government went to the country mainly on the South African War issue, and were again returned.

Whilst the Parliamentary Committee was continually persevering in promoting and demanding legislation in the interest of the workers, the individual Unions were doing their part in improving the general conditions of labour. Hours have been reduced, wages increased, Sunday labour reduced, and enhanced payment secured when it has to be performed, overtime paid for at enhanced rates where it cannot be abolished, and many other details in the regulation of the conditions of employment. In the process of this reformation many conflicts had taken place by means of Strikes and Lock-outs; but in spite of them all, our Industries prospered, and there is a total absence of those ruined conditions of our Factories, Mines, and Railways; neither did it ever occur to anyone, employers, Judges, Lawyers, or Trade Unionists, that Trade Unions were liable for damages under Civil proceedings until the famous Taff Vale Strike in August 1900.

I have only briefly referred to the various subjects, and, obviously, cannot deal with them at length in this volume, but they serve to show

how, from 1900 onward, the same things were said about Trade Unions, the same obstacles put in the way of Trade Union leaders, the same political efforts and pressure had to be brought to bear, and how in the end they succeeded as in 1871, 1875, and 1876.

In 1892 there was started a something — all that was known of it was two or three individuals who called themselves—the "National Free Labour Association." Nothing was known of its rules, if there were any, or its constitution, if it had one, but only its General Secretary and one or two organisers. They obtained the necessary funds to maintain the officials by subscriptions from employers, and they held a delegate meeting each year, at which resolutions, inspired by employers, and sometimes, apparently, the resolutions and speeches supporting them, were typewritten by the employers or their agents.

The objects of this body were not known, but their efforts were very familiar. They played the part of what is known in America as "Union Smashers," and they never failed to support the Conservative party at all times. By these means they were fairly successful in obtaining funds. It will also be remembered always by Trade Unionists how the late Lord Salisbury, in 1897, referred to the Trade Unions as "cruel organisations." At

the same time there was a good deal of secret arrangements going on amongst the employers with the view of making an attack upon the Trade Unions on a larger scale. The principal actors in this were the engineering employers, and the following correspondence will be found to be interesting, and show what was passing through the minds of employers long before the Taff Vale Strike in 1900.

Circular

"From the Engineering Employers' Federation to Lord Wemyss and the Free Labour Protection Association.

"20*th September* 1898.

"The Engineering Employers' Federation has now been re-organised, and will in future embrace all employers whose business is allied to the Engineering interest in its most widely diversified form. The Committee therefore give you a hearty invitation to attend the Conference which is called at 4.30 p.m. on 3rd October at the Hotel Metropole, to consider the new rules under which the Federation will in future be conducted. The Conference will also consider a proposal to accept into the Federation other than allied trades, and if need be to change the title of the Federation, so as to apply to all cognate trades having pressing and immediate grievances with tyrannical

Trade Unions. A full agenda will, however, be sent you as soon as we are advised of your intention to be represented. Please consider this as strictly private, to be destroyed if not recognised."

"CLAUSES IN FEDERATION OF EMPLOYERS' AGREEMENT.

"*Objects.*—The Federation shall use every means in its power to protect the varied interests of British Trade and Manufacture at home and abroad, by maintaining and defending absolute freedom of contract between employers and employed, and exercising the right of conducting and managing their individual businesses without interference from Trade Unions either inside or outside the works.

"*Benefits.* — The Federation cannot insure isolated benefits, but it guarantees to provide for any firm or firms engaged in a dispute with a *bonâ fide* Trade Union, the full average profits on a year's turnover so long as the dispute lasts. The dispute must in all cases be one proclaimed by a Trade Union, or, on the other hand, sanctioned by the Federation. The profits returnable to affected firms will be based upon the average profits realised during the five years previous to the dispute.

"*Disputes.*—The Federation reserves to itself the right to stop a dispute at any time by any settlement agreed upon by the Dispute Committee, but no firm or firms, being engaged in any dispute,

must, under any circumstances, enter into negotiations with, or acknowledge in any way negotiations from, the Trade Unions, under the penalty of instant dismissal from the Federation. Negotiations and communication of all kinds must be undertaken by the Federation only."

[*Private.*]

"NOTIFICATION.

"*October* 1898.

"DEAR SIR,—I have to inform you that the Conference, the agenda of which I forwarded to you on the 7th instant, will be held on the original date fixed at the preliminary meeting on 20th September, and at the time and place decided upon.

"My Committee are desirous of laying before the Conference a report as full and comprehensive as possible as to the rates of wages and conditions obtaining in your works, and how far, if at all, these have been, or are, regulated by the Trade Unions affected. The information will be strictly regarded as confidential as between my Committee and yourself, and will not be used in any other way than that mentioned in my circular to you on the 31st prox. Kindly reply early.

"*Note.*—Communications for the present must be addressed simply to the Secretary, Employers' Parliamentary Committee, and not either to myself or his Lordship the President, at the above address. —I am, dear Sir, yours truly,

"R. MILLER."

Lord Wemyss and Miller and others attended this Conference, and their influence and weight told so well that the new Federation agreed to form a Parliamentary Council for active political work. There were, however, apparently some scruples among the more timid of the employers as to the advisability of the Federation showing its real purpose, namely, that of Trade Union smashing, by taking upon itself questionable work of this kind. Lord Wemyss and his Association therefore offered their services. They had no character to lose, like many of the employers.

The Conference broke up without anything definite being done in the matter of widening the scope of the Federation, so as to include all employers having grievances, etc.

But negotiations and arrangements were, at the time, being continued.

Meanwhile the new and important departure agreed upon at the instance of Lord Wemyss was made a concrete fact at a private meeting at the Free Labour Association Offices, at which representatives of the Engineering Employers' Committee and nearly every trade interested in the new Federation attended. It was at this meeting that the Conference of employers was agreed upon, and arranged to be held at Manchester on 15th November 1898.

At the outset the Conference was intended to be

fully representative of, and to act on behalf of not only the Engineering Employers' Federation, but also the Shipping Federation, the Master Builders, Master Stone Masons, Master Boiler Makers, and, indeed, all those industries wherein the Trade Union element is a powerful and respected factor.

But again there were many of the firms who did not at all care about being tied to the tail of Wemyss and Co., so they made a strong representation on the subject before the Conference was held. It was therefore resolved to confine the delegation to those industries having special grievances against the Trade Unions, and whose active support and sympathy Lord Wemyss and his Association had always received. Nevertheless, several firms sent in application to be included on any Executive which the Conference might decide to create.

Thus the Lathrenders and others were included. Notwithstanding the professions of Lord Wemyss and his Association, the true purpose of the New Council was to thwart and counteract the Parliamentary efforts of the Trade Unions. This was to be done on behalf of the Federation first, and next the sympathising employers behind the Federation. It was a work of such questionable character that only a few of the most uncompromising employers would agree to undertake it. But they were of no use of themselves, so Lord Wemyss was invited in.

When his Lordship and the Council had prepared the way, and the respectability of the Federation was confirmed, the gigantic combination of employers so freely spoken of a short time previously, was to assert itself, and trouble was to immediately begin.

Several industries, notably the Boiler Makers, Master Builders, Masons, etc., were spoiling for a fight, and strenuously desired to enter the Federation, so as to at once commence hostilities. But the time was not yet.

Everything, it would seem, depended upon the Trade Unions and their scheme of Federation, which was to be decided upon at Manchester on 24th January 1899.

The Article Club was taking a great interest in the matter, and several rich members were actually working for and financing the new Council.

From March 1897 to June 1898, hundreds of donations, from £3000 down to £20, were made by firms affected and unaffected, to assist firms employing blackleg labour and firms standing idle through the Engineering dispute.

On 24th November 1898, £35,000 was given or guaranteed to the new Employers' Council for Parliamentary and propaganda work by Messrs. Vickers, Sons & Maxim. The Article Club decided to discuss the whole question of Federation of employers and employed at an early monthly dinner. A circular

was prepared and sent to certain M.P.'s known to be sympathetic, enumerating proposed labour legislation affecting employers and vested interests generally.

Nothing further came of this scheme. Apparently many of the employers did not care to embark upon such a struggle as must inevitably have followed such a desperate attempt. This attempt to organise such a gigantic scheme, however, must have made some widespread impressions upon the minds of others in sympathy with employers and men moving in the society of employers, and particularly stimulating those who, while approving of the scheme, could not embark upon without the whole agreed to it.

The strike on the Taff Vale Railway in August 1900, however, gave the opportunity desired. This strike did not differ from many other strikes between 1876 and then, but the general manager of the Taff Vale determined to fight it out in the Courts. In the Chancery Court he found in Mr. Justice Farwell's decision much cause for rejoicing, the judge having decided against the Union, the Amalgamated Society of Railway Servants. This came as a staggering blow to the Trade Union world. The Union appealed, and the Court of Appeal unanimously reversed the decision of Mr. Justice Farwell, and decided in favour of the Union. The Company then appealed to the House of Lords, when Mr.

Justice Farwell's decision was upheld. It may be well to record the opinions of the Law Lords here :

IN THE HOUSE OF LORDS.

22*nd July* 1901.

Before the Lord Chancellor, Lord Macnaghten, Lord Shand, Lord Brampton, and Lord Lindley. The Taff Vale Railway Company *v.* The Amalgamated Society of Railway Servants.

Their Lordships delivered judgment as follows :

The LORD CHANCELLOR : "In this case I am content to adopt the judgment of Mr. Justice Farwell, with which I entirely concur, and I cannot find any satisfactory answer to that judgment in the judgment of the Court of Appeal which overruled it. If the Legislature has created a thing which can own property, which can employ servants, which can inflict injury, it must be taken, I think, to have impliedly given the power to make it suable in a Court of Law for injuries purposely done by its authority and procurement. I move, your lordships, that the judgment of the Court of Appeal be reversed, and that of Mr. Justice Farwell restored."

Lord MACNAGHTEN : "My lords, I am of the same opinion. Although I should be well content to adopt the judgment of Mr. Justice Farwell and the reasons he has given, I will venture to add a

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few words of my own, partly out of respect for the Master of the Rolls, from whose opinion I never dissent without the greatest hesitation, and partly in deference to the arguments of counsel, which before your lordships has ranged over a wider field, and on the part of the respondents has, I think, assumed a somewhat bolder tone than in the Court below. The case divides itself into two questions. One may be described as a question of substance; the other is rather a question of form. Parliament has legalised Trade Unions whether registered or not; if registered they enjoy certain advantages. The respondent society is a registered Trade Union, subject to such control as an annual general meeting can exercise; the government of the society is in the hands of its Executive Committee, a small body with vast powers, including an unstinted power of disposition over the funds of the Union, except so far as it may be interfered with by the annual general meeting or restricted by the operation of the society rules, of which, in case of doubt, the Executive Committee is the sole authorised interpreter. Mr. Haldane pointed out, what is true enough, that the funds of the society were contributed for benefit purposes as well as for trade purposes, and he asked your lordships that if those funds were made answerable for the consequences of such acts as those complained of in the present case, the widow and the orphan might suffer in consequence of the ill-advised or illegal action of the Executive of the Union. At first sight that seems a plausible argu-

ment. But the truth is that all the funds of the society, for whatever purposes they may be collected, form a common fund. That, I believe, is the case with most, if not all, Trade Unions. If you take up the report of the Royal Commission on Trade Unions, and turn to the statement accompanying the minority report, you will see that there was nothing on which the advocates of Trade Unions insisted upon more strongly or more firmly than on the right of unions to employ the whole of their funds, if they choose, for the purposes of strikes, and in connection therewith. The substantial question, therefore, as Mr. Justice Farwell put it, is this: Has the Legislature authorised the creation of numerous bodies of men, capable of owning great wealth and of acting by agents, with absolutely no responsibility for the wrongs they may do to other persons by the use of that wealth and the employment of those agents? In my opinion Parliament has done nothing of the kind. I can find nothing in the Acts of 1871 and 1875, or either of them, from beginning to end, to warrant such a notion. Nor, indeed, was anything of the kind contemplated by the minority of the members of the Royal Commission on Trade Unions whose views found acceptance with the Legislature. In par. 4 of the minority report they say: 'It should be specially provided that, except so far as combinations are thereby exempted from criminal prosecutions, nothing should affect the liability of every person to be sued at law or in equity in respect of any

damage which may have been occasioned to any other person through the act or default of the person so sued.' Now, if the liability of every person in this respect was to be preserved, it would seem to follow that it was intended by the strongest advocates of Trade Unionism that persons should be liable for concerted as well as for individual action. And for this purpose it seems to me that it cannot matter in the least whether persons acting in concert be combined together in a Trade Union or collected and united in any other form of association. Then, if Trade Unions are not above the law, the only remaining question, as it seems to me, is one of form—how are these bodies to be sued? I have no doubt whatever that a Trade Union, whether registered or unregistered, may be sued in a representative action if the persons selected as defendants be persons who, from their position, may be taken fairly to represent the body. As regards this point Mr. Haldane relied on the case of Temperton *v.* Russell, but Temperton *v.* Russell, as I have said before, was an absurd case. The persons there selected as representatives of the various Unions intended to be sued were selected in defiance of all rule and principle. They were not the managers of the Union, they had no control over it or over its trades. Their names seem to have been taken at random for the purpose, I suppose, of spreading a general sense of insecurity among the Unions who ought to have been sued, if sued at all, either in their registered name, if that be permissible, or by

their proper officers—the members of their Executive Committees and their Trustees. Mr. Haldane, indeed, was bold enough to say that if a wrong was committed by a body of persons acting in concert who were too numerous to be made defendants in an action, the person injured would be without remedy unless he could fasten upon the individuals who actually did or were actually doing the wrong. Then he was asked what would he say to such a case as this. Suppose there were a manufactory belonging to a co-operative society unregistered, and composed of a great number of persons (as there well might be, but for the provision in the Companies Act making illegal an unregistered trading society consisting of more than 20 members), and suppose such a manufactory were poisoning a stream or fouling the atmosphere to the injury of its neighbours, might it do so with impunity? Mr. Haldane said, 'Yes, unless you could pounce upon the individual offenders.' It seems to me that this is a *reductio ad absurdum*. I should be sorry to think that the law was so powerless, and, therefore, it seems to me that there would be no difficulty in suing a Trade Union in such a case as this if it be sued in a representative action by persons who would fairly and properly represent it. The further question remains, may a registered Trade Union be sued in and by its registered name? For my part I cannot see any difficulty in the way of such a suit. It is quite true that a registered Trade Union is not a corporation, but it has a registered name and a

registered office. The registered name is nothing more than a collective name for all the members. The registered office is the place where it carries on business. A partnership firm, which is not a corporation, nor, I suppose, a legal entity, may now be sued in the firm's name. And when I find that the Act of Parliament actually provides for a registered Trade Union being sued in certain cases by its registered name as a Trade Union, and does not say that the cases specified are the only cases in which it may be so sued, I can see nothing contrary to principle or contrary to the provisions of the Trade Union Acts in holding that a Trade Union may be sued by its registered name. I am therefore of opinion that the appeal should be allowed, and the judgment of Mr. Justice Farwell restored with costs here and below."

Lord BRAMPTON: "I desire to concur with the words of the Lord Chancellor in adopting the judgment of Mr. Justice Farwell. I do not think this House is called upon to do more to-day than to determine whether a *primâ facie* case has been disclosed by the railway company, entitling them to the injunction they claim, and whether the society can be sued in its registered name. I think that both these questions ought to be answered in the affirmative. The lawless acts complained of were clearly wrongful acts, which justified the company in seeking to have them restrained by those who caused them to be committed; and, inasmuch as the acts were done

by men acting as agents of the society in furtherance of a strike sanctioned and conducted by the society through its authorised officers, the society is responsible for them. The other question was whether the society can be sued by its registered name. I see no reason why that question should not also be answered in the affirmative. A legal entity has been founded under the Trade Union Act by the registration of the society, and the legal entity so created, though not perhaps in the strict sense a corporation, is nevertheless a newly created corporate body, and by statute called a Trade Union, consisting of many thousand persons; and the omission from the statute of any provision that this body should be sued or be capable of suing by any other name than its registered name, appears to me to lead to no conclusion except that by that name and no other the Legislature intended it should be known and be known for all purposes, including legal proceedings, provided that no other provision militated against such a construction as, for instance, in the case of trustees by section 9, who really hold property for and have personal property in the society. I may refer also with reference to the effect of the rules of this present registration, that I find on page 91 of the appendix in sub-Rule 3 of Rule 7, 'The funds of each and every branch shall be the common property of the society.' If that be so, it would be impossible to have remuneration or recompense for any wrongful acts unless it were that the society could be sued as

a whole. I therefore think that the judgment of the Court of Appeal should be reversed, and that of Mr. Justice Farwell restored."

Lord Macnaghten then read a written judgment by Lord SHAND: "I am also of opinion that the judgment of the Court of Appeal should be recalled and the judgment of Mr. Justice Farwell restored, and an injunction granted in the terms settled by his lordship. The admirable judgment of Mr. Justice Farwell, in whose reasoning I entirely agree, makes it unnecessary again to go over the provisions of the statutes of 1871 and 1875, particularly after what has been said by your lordships. I shall only add a few words in regard to the judgment of the Court of Appeal. It is true, as repeatedly stated both by Mr. Justice Farwell and by the Master of the Rolls, that by neither of the statutes are Trade Unions, although registered, declared to be incorporated, which would as a consequence give them a right to sue and render them liable to be sued in the society's name. It is equally true, as the Master of the Rolls observed, that the right to sue and the liability to be sued may be conferred by statute either expressly or by implication. In the words of the learned Master of the Rolls, enactments 'must be found either express or implied enabling this to be done.' I agree in thinking there is no express enactment to that effect, but, with great deference, in my opinion, the power of suing and liability to be sued in the society's name is clearly and necessarily implied by the provisions

of the statutes. If Mr. Justice Farwell had not carefully gone over and pointed out those provisions in his judgment, I should have thought it right now to do so, but I content myself by referring to what he has so well said. A registered Trade Union has an exclusive right to the name in which it is registered; a right to hold a limited amount of real estate and unlimited personal estate for its own use and benefit and the benefit of its members; the power of acting by its agents and trustees; and is liable to be sued for penalties, as it appears to me, in the society's name. I am clearly of opinion that these and the provisions generally of the statutes imply a liability on the society to be sued in its Trade Union name, and a privilege of thus suing. I am further of opinion that, as the society by its agents is alleged to have been violating the law as stated by the appellants and sworn in their affidavits, the appellants are entitled to an injunction not only against the agents but the society itself for whom their servants and agents were acting."

Lord LINDLEY: "The problem how to adapt legal proceedings to unincorporated societies consisting of many members is by no means new. The rules as to parties to common law actions were too rigid for practical purposes when those rules had to be applied to such societies; but the rules as to parties to suits in equity were not the same as those which governed courts of common law, and were long since adapted to meet the

difficulties presented by a multiplicity of persons interested in the subject-matter of litigation. Some of such persons were allowed to sue and be sued on behalf of themselves and all other persons having the same interest. This was done avowedly to prevent failure of justice (see Meux *v.* Maltby, 2 Swanston 277, and the observations of Sir George Jessell, M.R., 3 Ch. Div. 615). The principle on which the rule is based forbids its restriction to cases for which an exact precedent can be found in the reports. The principle is as applicable to new cases as to old, and ought to be applied to the exigencies of modern life as occasion requires. The rule itself has been embodied and made applicable to the various divisions of the High Court by the Judicature Act of 1873, and by Order 16, Rule 9; and the unfortunate observations made on that rule in Temperton *v.* Russell, 1873 (1 Q. B. 435), have been happily corrected in this House in the case of the Duke of Bedford *v.* Ellis, and in the course of the argument in the present case. I have myself no doubt whatever that if the Trade Union could not be sued in this case in its registered name, some of its members, namely, its Executive Committee, could be sued on behalf of themselves and other members of the society, and an injunction and judgment for damages could be obtained in a proper case in an action so framed. Further, it is, in my opinion, equally plain that if the trustees in whom the property of the society is legally vested were

added as parties an order could be made in the same action for the payment by them out of the funds of the society of all damages and costs for which the plaintiff might obtain judgment against the Trade Union. I entirely repudiate the notion that the effect of the Trade Union Act of 1871 is to legalise Trade Unions and confer on them rights to acquire and hold property, and at the same time to protect the Union from legal proceedings if their managers or agents acting for the whole body violate the rights of other people. For such violation the property of a Trade Union can unquestionably, in my opinion, be reached by legal proceedings properly framed. The Court of Appeal has not denied this, but it has held that the Trade Union cannot be sued in its registered name, and in strictness the only question for determination by your lordships now is whether the Court of Appeal was right in holding that the name of the Trade Union ought to be struck out of the writ, and that the injunction granted against the Trade Union in that name ought to be discharged. If I am right in what I have already said, this question is of comparatively small importance. It is not a question of substance, but of mere form, and turns on the Trade Union Acts of 1871 and on the Amending Act of 1876. The Act does not in express terms say what use is to be made of the name under which the Trade Union is registered and by which it is known, but a Trade Union which is registered under the Act must have a

name (sections 16 and 14 and schedule 1). It may acquire property, but not being incorporated recourse is had to the old well-known machinery of trustees for acquiring and holding such property, and for suing and being sued in respect of it. Sections 7, 8, and 9 show this. The property so held, however, is the property of the union. The union is the beneficial owner. Section 12 provides summary remedies for misapplications of Trade Unions' property, and there is nothing here to oust the jurisdiction of the superior courts; and there being nothing in the Act to prevent it, I cannot conceive why an action in the name of the Trade Union against its trustees to restrain a breach of trust, or to make them account for a breach of trust already committed, should be held unmaintainable or wrong in point of form. Further, sections 15 and 16 of the Act of 1871 and section 16 of the Act of 1876 impose duties on registered Trade Unions and penalties on them (and not only on their officials) for breach of those duties. The mode of enforcing these penalties is pointed out in section 19 of the Act of 1871, but there is nothing there to show that the Trade Union on which the duty is cast, and which has to pay the penalty, could not be proceeded against in its registered name. Again, I apprehend that a mandamus could go against a Trade Union to compel it to perform the duties cast upon it by statute; and here, again, the obvious course would be to proceed against the Union by its registered

name, unless there is something in the statute to prevent it. My lords, a careful study of the Act leads me to the conclusion that the Court of Appeal held, and rightly held, that Trade Unions are not corporations; but the Court held, further, that not being corporations, power to sue and be sued in their registered name must be conferred upon them, and that the language of the statutes was not sufficient for the purpose. Upon this last point I differ from them. The Act appears to me to indicate with sufficient clearness that the registered name is one which may be used to denote the Union as an unincorporated society in legal proceedings, as well as for business and other purposes. The use of the name in legal proceedings imposes no duties and alters no rights; it is only a more convenient mode of proceeding than that which would have to be adopted if the name could not be used. I do not say that the use of the name is compulsory, but it is at least permissive. Your lordships have not now to consider how a judgment or order against a Trade Union in its registered name can be enforced. I see no difficulty about this, but to avoid misconception I will add that, if a judgment or order in that form is for the payment of money, it can, in my opinion, only be enforced against the property of a Trade Union, and that to reach such property it may be found necessary to sue the trustees. I am of opinion that the orders of Mr. Justice Farwell were right, and should be restored."

The judgment of the Court of Appeal was accord-

ingly reversed, and that of Mr. Justice Farwell restored, the respondents being ordered to pay costs, both here and in the Court below.

This decision caused immense consternation, for it had put the Trade Unions in a worse position than they were after passing the 1871 Act and before the passing of the 1875 and 1876 Acts. They had therefore to consider one of three courses open to them :

(*a*) Accept the judgment ;
(*b*) Endeavour to promote legislation to give the Unions the status they had hitherto been supposed to enjoy under the Acts of 1871 and 1876 ; or
(*c*) Endeavour to promote legislation conferring upon the Unions in clear and express terms some of the capacities of a corporation.

The question was then taken up by the Parliamentary Committee, and brought by them before the Trades Union Congress at Swansea in September 1901. There was a great discussion upon it, and the Congress referred the matter to the Parliamentary Committee to deal with. During the same week as the Congress was sitting, however, the Taff Vale Railway Company had claimed as damages against the Amalgamated Society of Railway Servants the

enormous sum of £20,000. Pending the trial of that action nothing much was done by the Parliamentary Committee. They desired to see the full results before considering the policy necessary to pursue. Individual leaders were addressing meetings throughout the country, and advocating the sending of Labour men to Parliament. But not so, however, with many of the various opposing Press. Whether it was the object of the Press to prejudice the minds of everybody against the Trade Unions or not, must be left to the opinions of the readers; but the writer believes it was, and a few extracts from some of the interested journals during the months of September to November 1901, quoted here, will convince others also:

The *St. James' Budget*, under the heading of "Colossal Humbugs," rejoiced over the "Charter of Freedom," and said that "Trade Unions were engines of tyranny, to carry out the work of hampering the trade of the country," and called the Trade Union officials "brazen-lunged, handsomely paid, and arrogant windbags."

Herapath's Journal said: "Trade Unions do not stand where they did. . . . These trade combinations have done much to drive business to our competitors across the Atlantic and on the Continent. Here a man works for what he is permitted to do by a ring of agitators behind him."

Commenting upon the discussion which took place at a meeting held in London on 22nd September 1901, *Gas and Water* said: "It was unanimously resolved that the only course to take was to send 100 Labour members to Parliament at the next General Election. Inasmuch as the last General Election (1900) was most disastrous for candidates of this brand, it is difficult to see the hopefulness of this suggestion."

Coal and Iron said: "The working classes, by their numbers, have all the political and legislative power; when it comes to using it, the common sense and moderation which happily underlie the English character make themselves evident; for few, indeed, are the firebrands sent to Parliament by the votes either of working men or anybody else. In their hearts they prefer solid people."

Fairplay said: "It seems, however, that something more is needed than money to secure seats in representative assemblies. To wit, votes; which are not, so far as we know, purchasable in this country, and which are not exclusively possessed by horny-handed ones — not all of whom, moreover, are members of Trade Unions or enamoured of Labourism."

I must not conclude these quotations without giving one from an address delivered to the "Junior Engineers" on 1st November 1901 by Sir John

Jackson, and which lost him his election at Devonport in the bye-election in 1905. Sir John said that "The Unions in England so restricted and held back the energy of the best of its workmen that they emigrated to the States. Too many of the Trade Unions have made themselves instruments of pressure and persecution. . . . The ambition of the disciple of the present-day Trade Unionism . . . is to contrive how he can get the most money for the least work possible, and that their object is to allow no working man to get his living except upon their terms and with their high permission."

These are typical of the writings and sayings of many journals and persons whose antipathy, if not hostility, towards Trade Unions was well known.

The action for damages against the Railway Servants' Society was heard in December before the late Mr. Justice Wills and a special jury, when a verdict in favour of the Taff Vale Railway Company was declared.

Here the Society was faced with £20,000 damages and costs, which was afterwards settled between the solicitors of both sides by a payment of £23,000 to cover all on the company's side.

Momentous as the House of Lords' decision was, this appeared to be more so. The ordinary members of Trade Unions were better able to appreciate the far-reaching effect of this upon their Unions than

they were able to understand of the legal technicalities of the judgment of the Law Lords. From this time onward there was no difficulty in awakening the Trade Unionists to their sense of responsibility and to action with a view to getting some legislative redress.

The first move was, the Parliamentary Committee arranged a meeting of Labour and other members of Parliament in one of the Committee-Rooms of the House of Commons on 5th February 1902. They also had the assistance, opinion, and advice of such eminent Counsel as the present Lord Chancellor, then Sir Robert Reid, K.C.; the present Chancellor of the Exchequer, Mr. Asquith, K.C.; the present War Minister, Mr. Haldane, K.C.; the present Solicitor-General, Sir W. Robson, K.C.; Mr. Atherly Jones, K.C.; Sir C. Dilke, Mr. McKenna, and others. This was followed by the Parliamentary Committee having an interview with the late Lord Ritchie, then Home Secretary, and accompanied by Lord James of Hereford.

The case of the Trade Unions was very forcibly put before these gentlemen by the Committee and Sir Charles Dilke, who accompanied them. Mr. Ritchie, however, was very guarded in his reply, and went no farther than to say he would give it careful consideration. The Parliamentary Committee were not content with this, but communicated with

a large number of members of Parliament, asking them to ballot for a place for a motion to discuss the question, when over fifty promised to do so. At this time the writer was the only member of the Parliamentary Committee who had a seat in Parliament, and he acted for the Committee by taking charge of their work in the House.

A large number of members balloted, and it fell to the lot of, then, Mr. Beaumont, M.P. for Hexham division. On 14th May the motion discussed was as follows: "That legislation is necessary to prevent workmen being placed by judge-made law in a position inferior to that intended by Parliament in 1875."

The Government refused to accept the motion, and it was defeated by 29 votes only. Immediately afterwards the Parliamentary Committee prepared a Bill to deal with the question, which was introduced by the writer, but got no farther this Session.

The Committee after this became active in interrogating members of Parliament and inviting them to ballot for their Bill in the new Session, and repeated their work with increased vigour each year to the end. In 1903 their Bill got through second reading stage, but was defeated by 30 votes. In 1904 it passed the second reading stage by 39 majority. In 1905 it passed second reading by 122 majority, and got to the Grand Committee on

Law, where, after several days' discussion over a great number of destructive amendments, which were defeated, finally one of these got carried. The Labour members on the Committee, in conjunction with their Liberal supporters, had a consultation with the Parliamentary Committee, when it was decided to take no further part with the measure owing to the following amendment having been carried, which destroyed the main object of the Bill, namely, to add at the end of the first clause: "Provided that no person shall, after being requested by any person annoyed by his conduct, or by any constable instructed by such person, to move away, to act as wilfully to obstruct, insult, or annoy such person."

By this time the Trade Unionists in the country had become irritated and annoyed at the insincerity of the majority of the members of Parliament, and the Government and many of the Ministers became aware of it. The Prime Minister therefore appointed a Royal Commission to inquire into the many various and complicated findings of the Courts, with a view of legislation being introduced. This, however, had been left too long; the dissolution took place in January 1906, and the Conservative Government were badly beaten, the Trade Unionists playing a most vigorous and active part in the General Election. Not only were

the Liberals returned by an enormous majority, but Trade Unions and Socialist representatives were elected in large numbers. The fourteen Labour members in the House before the election were supplemented by thirty-eight more.

This enormous success of Labour at the polls no doubt created an impression upon an already sympathetic party and Government; indeed, it might be quite correctly said that a large number of the Government's supporters were more extreme upon this one question than some of the Labour men were. The result was that the Government introduced a Bill, as also did the Labour members introduce the Parliamentary Committee's Bill. The Government's measure was much weaker than the Labour measure, but the Government, to their credit, left the House free to choose which of the two Bills they preferred. The House unmistakably chose the Labour Bill, and the Government in Committee amended their Bill so as to include the principles contained in the Labour Bill, which, after a good deal of amending, was made perfect, passed both Houses of Parliament, and came into operation on the first day of this year.

The history of the agitation and demonstrations carried on by the Parliamentary Committee and the Trade Unionists in the House of Commons and the country from 1900 to the end of 1906

would read very much like the history of the earlier efforts before the Acts of 1871 and 1876. The arguments against the Bill were precisely the same; the predictions of what would happen in future if the Bill became law were identical with those used in the old days of the Combination Laws. Even the ex-Lord Chancellor, Lord Halsbury, referred to it as the most outrageous Bill ever attempted to be placed upon the Statute Book; and many others described it in similar terms, yet they passed it.

It was clear, therefore, that the great influx of Labour members into Parliament, together with the keen agitation in the country, had effected a material change in the attitude of the House of Lords towards the demands of the Trade Unionists.

To give the account of all the numerous details of all that happened, and of the movements of the Parliamentary Committee during the six years referred to, is not possible in this small volume. And, for the purpose of the main object, brief references to the main principles and actions are sufficient, the main point being to discuss the objects and policy of the Labour movement from the Trade Union standpoint.

Trade Unions in this country have done an enormous amount of good for the toiling masses. Were it not for their existence no one can tell

or even imagine what the conditions of the people would be. John Stuart Mill held that in the labour market, in fighting for a share of that undetermined range of price, the employer possessed so great an advantage by having the initiative in naming the price, that nothing but a strong combination of workmen could give the workers even a chance of successfully holding their own against the employers.

Here is the crux of the whole situation. In the keen competition, employers would not think of the wages of their workpeople, but in their anxiety to secure orders and profits by undercutting prices, wages would be fixed lower and lower on each occasion, and would be reduced accordingly, until they were below a rate upon which people would be able to exist. Trade Unions have prevented this where the workers have taken advantage of them. Standard rates of wages and hours have been and are fixed in all well-organised trades. This is as good to the employers as it is to workmen. The employers, when competing, are able to calculate the exact costs of production, and knowing they cannot reduce the workmen's wages or increase their hours, they fix the prices accordingly. As the Trade Unions fix standards of hours and wages as maximums and minimums, so the employers are compelled to fix prices, below

which they cannot sell or manufacture at a profit. The Trade Unions have created an instinct in employers to recognise this, which could not have been done did they not exist.

To secure this position many a hard battle has had to be fought, and great privation and suffering endured. But all of it has been more than justified. A comparison of the standard of life at the present time and half a century ago is sufficient to prove this. It cannot be any longer a theory, but it has become a real hard fact, that Trade Unions regulate price, especially in regard to minimum standards. It is too absurd to think that in these days individual workmen would be able to secure the wage, hours, and general conditions they now enjoy. Examples to prove this may be found even at the present time in those industries in which the workers are not organised. There will be found that the general conditions are far below the standard in the industries where the workers are well organised. It has been stated times out of number by ardent opponents of Trade Unions, that they have been the means of "driving our trade out of the country" and "ruining industries," but in spite of it all, our industrial system is greater than ever, and still growing, and may it continue to grow. It may be paradoxical, but there are a greater number employed and a larger number unemployed now than

at any other period; and whilst there are thousands who are over-worked and underpaid in industries where the workpeople are unorganised, yet the majority of our workpeople who are employed enjoy better conditions than ever. Our towns and cities are improving, houses of the working classes are improving, and the general appearance of the British workman and his family is of the most respectable and happy. In this observation I allude of course to those in good employment. I am quite convinced such conditions would not be so were it not for the great work of the Trade Unions. I am equally convinced that the conditions will continue to improve. It is slow work; evolution is generally not very rapid, but it is permanent. It establishes things on an improved basis as it proceeds, the results always being of a more satisfactory character than the results of revolution.

Our modern industrial system, with its large corporations and almost total absence of that friendly relationship between employer and employed, with its subdivision of labour, which is tending so much to destroy craftsmanship and largely becoming monotonous, and of making skilled workmen mere automatic machine-minders,—this, with generally bad conditions of overwork and underpay, is likely to degenerate the working

classes, and to prevent this the Trade Unions have done much, and will do more.

It is the introduction of machinery and the subdivision of labour that is largely responsible for the existing unemployment, especially in the unskilled and unorganised industries. It is the unskilled and unorganised workmen whom we find mostly unemployed or only partly employed, generally overworked when employed, living in slums, insufficiently fed and clothed, and living generally under bad conditions. This has a strong tendency to drag down those who are fortunately better situated, and it is only by the powerful force of their Trade Unions they are enabled to resist such tendency. The main object of Trade Unionism is to lift up the men into a better condition of things; they therefore try to lift up those below, so as to more easily ensure the safety of their own conditions.

It is frequently contended that Trade Unions, by fixing a standard of hours and a minimum wage, prevent men being paid according to their merit, and thus establish a dead level for the superior and the inferior workmen, and therefore prevent the cultivation of individual efficiency and interest. This has always been and always will be denied by all Trade Unionists.

Such an instance can never be quoted. Trade

Unions have never suggested such a ridiculous proposition. They have never told employers that they may or shall not pay any maximum. What they have done and do, and rightly so, is to fix a minimum below which they shall not pay. If, therefore, a workman is not deserving of more, he need not be paid, but if another workman proves more efficient and industrious the employers are not prevented from paying him a few shillings per week more. If the employers are so anxious to do this and to encourage the skill and industry of workmen as the opponents of Trade Unions seem to indicate, it is very strange that those employers who seem so fortunate as to be free from the "interference" and "tyranny" of Trade Unions, and enjoy to the fullest extent the doubtful pleasure of "free" labour, have not shown an example of some ideal conditions of hours and wages in their particular establishments. Instead of the conditions being better, they are invariably worse than where the Trade Unions dominate. The fact is that the average employers, whether they employ "Union" or "free" labour, simply look to the profit and loss account, and, with a very few honourable exceptions, take no interest or pains to know their individual workmen or their qualification, and therefore have neither the knowledge nor will to reward them according to their individual merits.

The majority of workmen are outside of Trade Unions, and the employers of those have been and are, therefore, free and at full liberty to treat with their workmen individually and upon their merits. Yet the feeling is no better—it may truly be said to be worse, with few exceptions—between the employers and workmen in those industries. There is no more rewarding for individual ability by those employers who are unrestrained by the "tyranny" of the Trade Unions than in those trades where the voice of the organised workmen is loudest and their power strongest. In reality things are generally far worse, for the men being unorganised, are unable to resist the worse conditions, and are obliged to put up with them.

Even these are not so bad or so low as they would be were Trade Unions not in existence and always showing up such evil conditions.

To prove this it is only necessary to compare the conditions of men employed in the engineering trades in the North, where every man is in the Union, with the conditions of men in the same trades in many of the large works in South Wales, for instance, where none of the men, or at any rate very few, are in the Union. Here will be found as much as ten and twelve shillings per week more being paid in the North to the Union men than in South Wales to the non-Union men.

Other conditions also are proportionately better. The full results are not found in the wages only. The skill, physique, intelligence, and independence of the men in the North are equally superior, as the wages and other conditions are to the non-Union men in South Wales. In their homes and surroundings will be found a vast difference. Better class of houses, and more improvements in the sanitary conditions of their surroundings. This is conducive to the general welfare of the locality, and ultimately the nation. In our Trade Unions there is formed an association of men joined for mutual benefits, and they agitate for such reforms as they find necessary both inside and outside the workshop. With the non-Unionists, they are simply machines: get up in the morning and go to their work, day after day, simply as a routine thing, work as long as required of them by their employers, accept what wages the employers choose to give them, return home to mope over their unsatisfactory conditions, with no energy or heart to take part in any public affairs, local or otherwise. They dare not complain of their conditions, or they will be sent about their business.

If there ever was a grain of truth in the statements that the interference of Trade Unions injured our trade and industries, and prevented employers paying men upon their individual merits, here we have excellent proof to the contrary. Our industries

in the North are most flourishing, whilst the men are paid from 30 to 50 per cent. more wages. Trade Unions produce greater efficiency in the workmen. They demand fair wages, reasonable hours, and in return give a fair amount of efficient labour. This efficiency is the production of our supremacy in all our skilled trades, unequalled in the world, and all is due to the work of the Trade Unions of this country.

What makes efficiency in workmen, is good wages to enable them to have proper nourishment, reasonable time for rest, and recreation to make them physically fit, and time for thought to make them mentally fit.

Good wages and short hours are also conducive to increased trade and employment. The Union men of the North, with their ten to fifteen shillings per week more than the same class of men in South Wales, have much greater demands for food, clothing, boots, furniture, and other things necessary for comfort and pleasure. This must mean employment for many people in the various industries to produce the things required, and so in turn the various centres producing these extra requirements, as well as the nation, is richer both in money and better class of citizens.

Our Trade Unions have benefited industry as well as the workmen. The very essence of character

and morality in conduct is the restraint of immediate impulses for the sake of eventual advantage. It demands a money sacrifice and a certain amount of discipline. Without these Trade Unionism could not exist. The more developed it becomes, the more highly ordered it becomes. Thus it raises the general standard of the workman. The inferior class, both as men and workmen, are elevated when they join the Union, elevated in standard of conduct and intelligence. It makes men take interest in some things other than simply beer and betting. It is the Trade Unions that are responsible for the gradual disappearance of the old idea that labour stands in the same category as raw material and machinery. The more they are able to raise the standard of labour, the more it raises the standard of living and the general character.

Our Trade Unions have rendered great service in establishing good and stable relationships between employers and workmen. This has been, and is, an enormous advantage in the keen competition with other countries. This, perhaps, has not been brought about through sentiment or artificial arrangement, but grown up as a part of the organic system forced by the circumstances of the increasing power of combinations. The growth and consolidation of trade combinations amongst workmen forced employers to organise also, and from these two powerful

organised forces a new order of things has been brought about. Instead of fighting and quarrelling over every subject of difference between them, they developed consultations and deliberations, mutual understanding and respect instead of ill-feeling and antagonism, and with these arrangements were made for providing machinery for regulating differences according to changing circumstances and conditions.

Even these are by no means yet perfect, but they will improve as time goes on, and they only exist where men are highly organised. The most completely organised workmen are those employed in the mining, cotton, iron, and engineering industries. The result is, few strikes or lock-outs take place, and standard basis of wages and other conditions exist, regulated by joint boards, conciliation boards, and frequently between the officials of employers' and workmen's organisations. To be most effective, strong organisations are essentially necessary — the stronger the better. Where the organisation of workmen is weakest, there it is most likely that these arrangements break down. The crisis in the cotton trade about two years ago, and also in the coal trade about the same period, was successfully passed through owing to the employers' and workmen's organisations being able to adjust their grievances by negotiations, whereas if the men had been less organised, the probability

is that they would have been engaged in a long and bitter struggle. The services thus rendered to industry cannot be estimated. Without highly organised and disciplined unions this could not be possible. The more highly organised also, the better the discipline. In this respect there has been a great improvement during recent years. It is one of the greatest of the difficulties of the leaders, but they are conscientiously teaching their members the value of discipline. The great responsibilities resting upon their shoulders make it imperative they should do so. Nearly all the leaders of the larger Unions in particular are men of ability, and possess more knowledge, insight, and judgment than the rank and file can have, for want of opportunities to accomplish; they also understand better the need and value of moderation and compromise. To acquire these qualities is essential, and a leader who could not do so would be unfitted to be at the head of our great Trade Unions.

The Trade Union leaders, however, are amongst the most abused people of any. If any agitation is proceeding, employers and public put it down to the leaders wantonly fomenting disputes and strikes for their own ends, and to get themselves recognised. It is a very long time ago, if ever there were such instances. At any rate, there is absolutely no ground for such a proposition now.

As the Trade Unions develop and mature, the task of the leaders is more in preventing than fomenting of disputes. Their difficulties are not in stirring men up, but in keeping them quiet. The task is not an easy one, and demands no common qualities. A Trade Union leader frequently finds himself between the "devil and the deep sea"; he requires a cool head, clear eye, and a firm foot. He must satisfy an exacting, suspicious, and often insubordinate section of men. He must reconcile impossible aspirations with solid facts. He must be conciliatory with employers, whilst firmly maintaining the interests of his members. He must keep a keen eye on public opinion, and be alive to the state of trade and the labour market. And all the time he is liable to have the ground cut from beneath him by jealousy and intrigue. He is hardly ever free from trouble within, arising chiefly from jealousy, intrigue, and ingratitude, —always some small sections of the members, naturally suspicious, coming to conclusions without knowing or understanding the facts and circumstances.

The position of a Trade Union leader is just the reverse to what it is popularly supposed to be, namely, having an easy time, drawing a large salary, and nothing to do but going about making speeches and fomenting strikes.

If many of the Trade Union leaders were to put in half the efforts and energy for private employers, they would invariably be paid double and treble their present salaries. In spite of all these difficulties within and without, these men go on with their work, loyally and faithfully serving their members and benefiting the community. Conscious of their responsibilities, and conscientious in all their doings, they invariably receive the confidence, support, and admiration of the majority and more staid of their members. It is generally with the younger and inexperienced members the greatest difficulties arise. These invariably think they know better than the older and most experienced, and are generally in more of a hurry to accomplish great things.

These few illustrations are sufficient to indicate if not to prove that the existence of Trade Unions are beneficial to the community in general. Without them the grievances of workmen would be greater and their passions quite unrestrained, and the result would be that there would never be complete freedom from strife and strikes.

Happily, strikes are becoming less frequent each year, and while the employers in the best-organised trades and best-regulated industries have recognised the Unions, there are many who, unfortunately, have not had the wisdom to do

so. It is in these trades that the majority of strikes occur. The greatest number of strikes of the present day are not so much on questions of wages or hours, as to the objections of employers to negotiate with the men's agents. Why any employers should take up this attitude no one can explain, nor can those employers themselves explain, or at any rate, they will not explain. The only conceivable reason is that they can take greater advantage of their workpeople, and obtain their labour cheaper and under less favourable conditions to the workmen than they otherwise would by dealing with the men's agents. If this is so, then it is an unfair method, and they are depriving their workpeople of those rights they are justly entitled to. It is not conceivable to the ordinary mind why the shareholders of any industry should claim their right to employ whom they like as their manager or agent, and at the same time deny the same right to their workpeople to employ whom they may choose as their agent. The manager looks after the interests of the proprietors, endeavours to obtain the maximum of production for the minimum of cost. In his purchases is included the labour of the workmen, and that he desires to obtain as cheaply as possible. Cheapness is not always best. Shoddy goods can be bought cheaply, but they are generally

not of a lasting kind, and frequently prove the dearest in the long-run. Labour can be placed in the same category. The highest skilled and best paid is generally the most profitable to the employers. Some employers think that it is easy to do the reverse to this,—that if they do not recognise the men's Union they need not give such good conditions and so high wages as they would have to do if they did deal with them; and that they can make the men "speed up" to the maximum. To do this they have to maintain a multitude of officials to watch every movement of their workmen. They may think this is economy. It may be, but it is false economy. If the money spent on superfluous officials was spent upon the workmen, to encourage their confidence and interest by fair conditions and generous recognition, they would find it far more profitable. While the men are allowed to think that their employers refuse to negotiate with their chosen representatives they become suspicious that they are being deprived of some portion of their just rights. Then their interest and confidence is weakened, and a feeling of resentment is bred in the men's minds. After all, if employers are straightforward and anxious to give the best conditions they can afford, and have no desire to withhold anything from their workmen that they

are justly entitled to, why refuse to deal with their chosen representatives, and cause unnecessary prejudice and bad feeling between the workmen and the management? The non-recognition of Trade Union leaders, where it exists, is getting antiquated, and sooner or later will have to be broken down. Then it had better be broken down in friendly and good feeling than by having to use force, which is the root and basis of bad feeling.

It may be interesting at this stage to record the opinions of a few well-known men representing various classes of industries upon the usefulness of Trade Unions. During a discussion in the House of Commons on the Trade Union position in 1903, Sir Charles Renshaw, then M.P. for Renfrewshire, said: "We recognise the improvements which have been effected on the position of the status of workmen by the operation of Trade Unions, not only in regard to the members of those Unions, but in respect to the men outside of them also."

In the same debate, Mr. Wolff of Belfast said: "I know the good work which they (the Unions) have done. If it had not been for them the hours of work would be longer and the wages much lower than they are now." The most strongly expressed opinion, perhaps, is that of Mr. F. Mills, J.P.,

General Manager of the Ebbw Vale Coal, Steel, and Iron Company, who, upon the occasion of taking the chair at a meeting organised by the Steel Smelters' Union in 1906, said: "Trade Unionists were better workmen and more respectable than non-Union men."

Railway Companies are amongst the greatest objectors to recognise the representatives of the men's Trade Union. It is therefore interesting to note what Sir George Gibb, one of our ablest railway managers, has had to say upon this subject. In an interview with a Labour Commissioner on behalf of the Government of the United States of America who was over here collecting information in regard to the relations between employers and workmen and the general operations of our Trade Unions in 1904, Sir George Gibb, who was then General Manager of the North-Eastern Railway, said:

"It is a fact to be recognised, that the Trade Unions have been to a very large degree the means of obtaining for their members higher wages; and while an unwise Labour leader might be the means of working untold mischief, just as an unwise manager or employer of labour might do an equal amount of harm, the right of the men to combine and form themselves into Unions must be admitted and accepted." Sir George Gibb "has always been

in favour of employers frankly recognising the Unions, because he considers it just that the men should have the advantage in their negotiations with an employer of being represented by a skilled agent, exactly as the employer is; and the men can obtain the benefit of this skill and knowledge only by means of the Union."

One more opinion, this time not from a representative of either labour or employers, but one of the Judges of our High Courts. In 1906, Lord Justice Vaughan Williams, addressing a large assembly in the Rhondda Valley, and dealing with Trade Societies, said: "He was a hearty believer in their (Trade Unions) usefulness, and always had been. He did not believe that Trade Unions made it more difficult to compete with foreign countries, nor did he believe that successful competition was possible for a country where labour could not combine against capital. He believed in the principle that a good bargain was one which was good to both parties to that bargain. The right of the workmen to combine to raise wages and improve the conditions of life ought to be conceded."

There are many other employers who have borne equal testimony to the usefulness and value of Trade Unions. Those whom I have quoted are men eminently qualified to speak on the question, having gained knowledge and experience of the operations

of Trade Unions in connection with our various industries and on the Bench.

Employers who stubbornly refuse to concede the point of negotiating with the officials of Trade Unions are narrow-minded and certainly not far-seeing. They will ultimately do far more injury to themselves and industry than by adopting the more conciliatory policy of recognition. While they think they enjoy the privilege of being "free" from the "interference" of the Unions, they are breeding the greatest discontent, ill-feeling, and suspicion in the minds of their workmen. Socialists find the most of their material in the conduct of such short-sighted policy, and use it with all their might. They have introduced Socialism into the Trade Unions, and are more or less succeeding in turning these Societies into political organisations. Socialism was never the object of Trade Unions, and it is very questionable whether they can be used to propagate objects not directly benefiting the members of the Unions as such. Be that as it may, if they do develop far into the regions of Socialism, the responsibility must largely rest upon the shoulders of the employers who have adopted the short-sighted policy of keeping everybody at arm's length. They may think that the Socialists will not get into power in their time. It may not happen. But if the bitterness and antagonism which Socialists breed and propagate

against the "dividend-hunting capitalists" will get "bottled up" to high-pressure point and explode, then much harm may be done if they would not be a power for good. The Socialist movement in this country has not grown up much on its own merits. While it was confined to Socialist organisations, its progress was very slow, especially so during the period Socialists were in antagonism to Trade Unions. Socialists advocated capturing Parliament and all public bodies; Trade Unionists also advocated direct representation in Parliament, largely owing to the attitude of employers, as I have just mentioned. Here Socialists and Trade Unionists had something in common in the principle of direct Labour representation, independent of orthodox political parties. The Socialist object was not pressed to the front very boldly at this stage, simply direct Labour representation. Each year this opinion grew stronger, until 1899, when at the Trades Union Congress held at Plymouth, the following resolution, placed on the Agenda by the Amalgamated Society of Railway Servants, was discussed and carried:

"That this Congress, having regard to its decisions in former years, and with a view to securing a better representation of the interests of Labour in the House of Commons, hereby instructs the Parliamentary Committee to invite the co-operation of all Co-operative Societies, Socialistic and other Working-

Class Organisations, to jointly co-operate on lines mutually agreed upon in convening a special Congress of representatives from such of the above-named organisations as may be willing to take part to devise ways and means for securing the return of an increased number of Labour members to the next House of Commons."

There voted for the resolution 540,000, and 434,000 against.

The Parliamentary Committee carried out the resolution, and in February 1900 the conference was held in Farringdon Memorial Hall, London. It was attended by 130 delegates, representing a membership of 568,177, or a number slightly in excess of that voting at the Congress in favour of the A.S.R.S. resolution. The proceedings were on the whole harmonious, and a basis for a constitution was drawn up. Among those present were Mr. W. C. Steadman, M.P., Mr. John Burns, M.P., Mr. Keir Hardie, M.P., Mr. J. R. Macdonald, M.P., Mr. Wilkie, M.P., Mr. Bell, M.P., and other leaders of both movements. The principal resolutions carried were two. The first resolution moved was: "That this conference is in favour of working-class opinion being represented in the House of Commons by men sympathetic with the aims and demands of the Labour movement." To this Mr. George Barnes moved, and Mr. John Burns, M.P., seconded, an amendment,

which added to the resolution the following words at the end: "and whose candidatures are promoted by one or other of the organisations represented at this conference." This was agreed to by 102 votes to 3. Mr. Keir Hardie then moved, "That this conference is in favour of establishing a distinct Labour group in Parliament, who shall have their own Whips, and agree upon a policy which must embrace a readiness to co-operate with any party which for the time being may be engaged in promoting legislation in the direct interest of Labour, and be equally ready to associate themselves with any party in opposing measures having an opposite tendency; and, further, members of the Labour group shall not oppose any candidate whose candidature is being promoted in terms of resolution 1;" and agreed to unanimously. The conference then proceeded to elect a Committee and Secretary, and to establish some rules to guide it.

In August of this year the strike on the Taff Vale Railway occurred, when an injunction against the Amalgamated Society of Railway Servants was applied for and obtained.

This came as a "bolt from the blue" to Trade Unionists. The actions followed and were carried to the House of Lords, whose decision was that Trade Unions were liable for the actions of their agents. Following this came the action by the

Taff Vale Railway Company to recover damages from the Society, when the Court decided against the latter, and damages and costs to the extent of £23,000 had to be paid.

This gave an enormous filip to the newly inaugurated Labour Representation movement, without which it is doubtful to many if the same progress would have been made.

At the first Conference three Socialist Societies were represented alongwith the Trade Unions, but one, the S.D.F., withdrew before the Second Conference.

The following shows the growth of this movement since its formation in 1900 :

Year.	Trade Unions.		Trade Councils and L.R.C.'s.	Socialist Societies.		Total.
	No.	Membership.	No.	No.	Membership.	
1900–1	41	353,070	7	3	22,861	375,931
1901–2	65	455,450	21	2	13,861	469,311
1902–3	127	847,315	49	2	13,835	861,150
1903–4	165	956,025	76	2	13,775	969,800
1904–5	158	885,270	73	2	14,730	900,000
1905–6	158	904,496	73	2	16,784	921,280
1906–7	171	974,509	83	2	20,885	997,605

It will be observed that the total membership in the last year is about two-thirds of the member-

ship of the Trades Union Congress, whilst it includes the Socialist Societies. The "Labour Party," as it is now called, is a composite body, the organised Socialist Section only numbering 20,885, as against the Trade Unionists 974,509 at the commencement of January 1907. The Trade Unionists, therefore, subscribe the bulk of the funds; at the same time the constitution allows three seats on the Executive Committee to the Socialists, against nine to the Trade Unionists, the majority of the latter also being pronounced Socialists. The Socialists, however, have more than their share of Candidates at the elections, either bye or general elections, and they have seven members in Parliament who receive payment of £200 per year and 25 per cent. of the returning officers' fees. Some of these are not Trade Unionists, being either of the middle class or amateur journalists. The formation of the Labour Party, and of its compulsory maintenance fund, has been a good thing for these Socialist Organisations. The bargain from their standpoint is no doubt a good one; they largely dominate the policy, whilst the Trade Unions provide the funds.

Until the General Election in 1906 only four of the fourteen Labour members in Parliament were what were then known as L.R.C. members. All Labour members acted together, however, on all

matters affecting labour, and no distinction could be observed between them. Then ten others were being referred to as Liberal-Labour men, although some were quite as independent of the Liberal Party as the others, excepting that they worked in harmony with, and not in antagonism to, the Liberal Party.

Some time previous to, and in anticipation of the General Election, the Parliamentary Committee of the Trades Union Congress, which had all along brought all the working-class representatives together to meet them when they desired any question discussed touching the interests of labour, called together the Executives of the Labour Party and the General Federation of Trades, to meet at the Caxton Hall to consider a proposal for uniting all sections in view of the General Election. Terms were here arranged, and were known as the Caxton Hall "Concordat," and were as follows:

"1. That all candidates running under the auspices of the Labour Representation Committee receive the loyal and hearty support of all sections of the Labour movement.

"2. That Labour and Trade Unionist candidates approved of by the Parliamentary Committee of the Trade Union Congress, receive the support of the Labour Representation Committee, so far as its constitution will permit, on the lines followed during

the election for West Monmouthshire, when Mr. Richards was returned.

"3. That in no case do candidates run by either of the organisations referred to oppose in any shape or form the candidates run by the other.

"4. In constituencies where no Labour candidates are running, the policy of abstention is in no sense recommended to the local organisations."

These terms were honourably carried out until the General Election was over, and were, without a doubt, in a large measure responsible for the return of so many Labour men to the House of Commons. One common unity amongst all leaders of Trade Unions and Socialist bodies must have an influential effect upon the rank and file. The Taff Vale judgment, the Chinese Labour Question in South Africa, and the Education Bill of 1902, together with the question of Free Trade *versus* Protection, all helped to make the return of Labour men as well as Liberals fairly easy. These questions were also common to Liberals as well as Labour, so nearly all the Labour men received almost the undivided support of the Liberals. Indeed, many of the Labour men played up to the Liberals, and in some instances sought an alliance with the Liberals, and even went to Liberal Clubs advocating reciprocity. This was done in spite of the pledge given "to abstain strictly from identifying themselves with,

or promoting the interests of, any section of the Liberal or Conservative Parties." Although this pledge was violated by doing so, it was a wise thing to do, to work in harmony with those who were in sympathy with the Labour movement. But if this was so necessary to the success of some of the candidates, why sign the pledge at all? Unless it was for the only object of securing the pay.

After the General Election, however, and twenty-nine members of the Labour Party were elected, they threw overboard the Caxton Hall Concordat, called a meeting of these twenty-nine members only, and left outside the twenty-three Trade Union representatives. Hence there became two groups of Labour representatives in the House. Invariably these two act together on all questions affecting labour, for a Trade Unionist of a lifetime or a secretary of a large Trade Union has as much of the interests and welfare of labour at heart, without signifying as much by way of signing a pledge to that effect, as some of those who were not, or never had been, Trade Unionists, but only idealists or theorists, and signed the pledge. Without signing the pledge, however, they are not recognised as "Labour" men. The "Labour Party," during the first year of their Parliamentary life, did no more than those who were there before them, namely, endeavour to carry out the measures and wishes of

the Trades Union Congress and the Parliamentary Committee; but, of course, fifty-two men with an absolutely sympathetic Government and party in power, could accomplish much greater success than fourteen men with an unsympathetic Government and reactionary party in power. The Liberal Government also introduced measures more in harmony with the needs of the working classes than did their predecessors when in office. This gave the Labour member greater opportunities to come to the front. If only measures similar to those we had been accustomed to for several years before the new Parliament had been introduced, then the same opportunities could not have been given to the Labour members, and their success would be considerably less. It is well that everybody does not accept all that has been said about the accomplishments of the "Labour Party" by some of the members of the party, because a few of them claim that the "Labour Party," or the *thirty* Labour members, as a few of them refer to themselves, did everything or compelled the Government to do everything as they bid. No mention is made of or credit given to the twenty-two Trade Union members, or the Government and their supporters, for having done anything, not even assisted them. It does seem, therefore, that only "Labour" members who sign the pledge are to be credited with having accomplished anything, whether

they deserved it or not. It would have been very interesting if the thirty men had been in Parliament during the ten years previous, to see how much they would have been able to compel the late Government and party in power. Some compelling force was really necessary, and while the fourteen Labour members then in the House did their best, they were unsuccessful. The constituencies may for a while be carried away by some of the boastful speeches that are made, and invariably in constituencies other than the speaker's own, but people are generally judged rather by their actions and their records than by their speeches, which, after all, are only surface soil, and are not always fruitful. It would be interesting also, if some of the speeches were made by the speakers in their own constituencies, to see how the Liberals liked to be ill-referred to by those who played up to them during the election. Certain it is that many would not be members of Parliament now if Liberals were so bad as they are frequently represented to be.

That a good number of direct representatives of labour should be in the House of Commons is consented to by everybody. In fact, every such representative body as Parliament, and all other public bodies, should have a fair proportion of every class. Fair and just laws cannot be enacted unless there are engaged in making such laws practical men,

who are familiar with all the details of the subjects for which they are legislating. A House of Commons full of the deepest sympathy with the aspirations of labour cannot legislate so efficiently, nor even equal to their own desires, for labour without the assistance and experience of those who are directly representing labour. It becomes, therefore, essentially necessary that there should be in the House of Commons men representing all shades of labour. This could be secured without all the formalities of pledge-signing and swearing hostility to everybody but those who condescend to sign pledges, which do not convey clearly whence it may lead one to.

The policy of the "Socialist Labour Party," although they have nearly a million members affiliated, does not meet with the full concurrence of all those members, and a great deal of dissatisfaction exists in many Unions over it. Thousands of Trade Unionists who have been many years members, and who have been pioneers in the Trade Union movement, helped to build it up numerically and financially, who have been and are loyal to the first and main objects of Trade Unionism, namely, "to improve the conditions and protect the interests of the members," object to it being extended outside these objects. They object to their contributions being spent upon those who are outside of the Trade Unions, and for the payment of salaries to members

of Parliament who are not Trade Unionists. While the whole of the members in most Unions approve of someone representing the interests of their Unions in Parliament, they by no means approve of their money going to pay Socialist representatives. The rules of most of the Unions have been altered so as to make the contribution of one shilling per year to th Parliamentary Fund compulsory, and therefore most of them pay reluctantly, whilst some are passive resisters, and eventually will be excluded and have to forfeit all the benefits for which they have been subscribing many years. It cannot be said, therefore, that the million members affiliated to the "Socialist Labour Party" are convinced of the utility of amalgamating Trade Unions and Socialist Societies. The reply to the suggestion that the Parliamentary contribution should be voluntary always, is that "the members would not pay it." Then, nothing need be clearer than they do not approve of, nor are they convinced with, the policy, and any movement which has to be maintained by compulsion is not so substantial as it ought to be. Trade Unionists may be compelled to pay towards the Parliamentary Fund of their Unions, but they cannot be compelled to vote for any candidate whom they do not desire.

The Parliamentary Committee have always wisely adopted the policy of not recognising any distinctions

between "Labour" members, whether they have signed the "pledge" of the Labour Party or have not done so, but whenever the Parliamentary Committee desire to confer with the Labour members upon any subject in which they are interested, they call together the whole of the Labour members, and they have not found one instance in which united action has not been the result. It is not the object of the Parliamentary Committee to take sides with any party *qua* party, but only to secure the accomplishment of the objects they desire as adopted at the Trades Union Congress.

This should be the policy of the Trade Unions also. If they have any special interest in some measure necessary for the protection of the interests of their members, or of the members of any other Union with which they sympathise, then it should be the main object of all to do everything in their power to secure the passage of such measure, and whichever party is the most likely to concede their desire, that is the party for the time being to support, and that would be the most likely method to succeed longest and best. The policy of securing the signed "pledge" of everybody to be entitled to call himself a "Labour" member is not the most conducive to the greatest unity. It is paradoxical if not hypocritical. For instance, a millionaire who may never have worked

in his life, but has inherited his wealth or made it out of profits from industry and labour, and who joins the Independent Labour Party, may be nominated as a "Labour" candidate and get his candidature endorsed by the "Labour" Party. If he should be successful and get elected, he would be called by the title of a "Labour" member. On the other hand, if a man who worked in the mine, in the mill, at the bench, or on the railway, and worked up to the position of a General Secretary or other office in his Trade Union, does not sign the "pledge," he is not permitted to have his candidature endorsed by the "Labour" Party, and if successful at the poll he is denied the title of "Labour" member. This does appear paradoxical.

Signing the "pledge" means that everyone must abide by the decision of the Party, whether his convictions are agreeable to such decision or not. It has not always been carried out. The Party decided in favour of certain secular proposals in the Education Bill of the Government in 1906, but four of the members of the Party voted against or contrary to the decision of the Party. This is inconsistent. If a "pledge" there must be, then it should be carried out irrespective of what the wish of the constituencies may be. If the constituencies should not like the vote given by their member, and they decide to turn him out at the

next election, let this be done, but be loyal to the "pledge."

There is again the danger of the Party taking up subjects outside of purely labour questions. An instance of this is given in Mr. Keir Hardie, last Session of 1906, committing the Party to the limited Enfranchisement of Women movement. This may be a worthy movement and a laudable object, as there are many others, but it cannot in any sense be termed a "labour" question. The limited measure as contained in the Bill introduced by Mr. Keir Hardie would, under present conditions, only enfranchise propertied women. Wives and daughters of working men living at home with their husbands and parents respectively, and not having the distinction of being householders, would not secure a vote. Whilst it may be argued that it is a stepping-stone to adult suffrage, it cannot be termed a "labour" question.

The Labour Party Conference held in Belfast in January 1907 also held this opinion, and rejected a motion in favour of the Party in Parliament taking it up. After this decision of the Conference, Mr. Keir Hardie said that "if the decision was to limit the actions of the members in Parliament he would have to seriously consider whether he would not have to resign from the Party."

Mr. Keir Hardie, in the course of a personal

statement relative to the subject made in the *Labour Leader*, of 1st February, the official organ of the Independent Labour Party, said: "The Labour Party is too much a part of myself, has too many years of my life in it, to make severance from it a light matter, but I cannot be a party to an act of injustice. . . . Democracy means the rule of the majority, and the majority at Belfast, under a misapprehension due to a sense of irritation, I think, pronounced against the enfranchisement of women. But woe betide the day in the life of a nation in which its public men have *not the courage to sacrifice place and popularity at the call of conscience.*"

Here again the signed "pledge" comes in conflict with conscience. If conscience is to be allowed to operate, then the signing of pledges must be removed. It is an absolute impossibility for the two to always harmonise. On most, if not every question, directly affecting the interests of labour, all Labour representatives in Parliament are conscientiously likely to agree and act together. This would be practical action, whilst merely signing a pledge is impractical theory.

One Parliamentary year is not sufficient to enable a correct judgment and opinion being formed of how a "pledged" Party consisting of pronounced Socialists and anti-Socialists will conscientiously harmonise,

especially as that year happened to contain measures most directly affecting the interests of Trade Unions and Labour generally, namely, the Trades Disputes Bill and the Workmen's Compensation Amendment Bill. It is when the House will contain less fruitful measures to labour direct, and subjects more of political than industrial character, that the *consciences* will be most likely to operate and divisions arise.

It is to be hoped such a regrettable incident will not occur. To avoid that, the policy of the Labour Party should be broad enough to admit within its ranks all classes of direct Labour representatives on the principle of the recognition of the Parliamentary Committee of the Trades Union Congress. Consideration must be allowed to the constituencies where they vary so much in opinion. One constituency may be advanced Socialistic and will only have a Socialist, while another would not look at a Socialist but would accept a less extreme though a Labour representative. Freedom must be allowed in such circumstances. The members of the Trade Unions in each contribute alike to the Common Fund, and if liberty of conscience is allowed they will agreeably contribute. If, on the contrary, a policy prevails of one section forcing its views upon the opinions of all others, then payment will be made with the greatest reluctance. There are invariably

three kinds of political opinion existing amongst the members of Trade Unions: Conservatives, Liberals, and Socialists. The loudest protester of the three is the Socialist, who is vehement in his condemnation of a Labour member who may happen to support a Liberal candidate in another constituency even if there be no Labour candidate. He is never heard to complain against supporting a Conservative. The Liberal objects to supporting both Conservative and Socialist, and the Conservative objects less to supporting a Liberal than a Socialist. The remedy for all this is for Labour representatives to support neither so long as each class pay equal contributions. It was with this object that the "Independent" Labour Party in the House of Commons was formed. But whilst the Trade Unionists find nearly the whole of the funds, and no less than seven Socialists receive payments of £200 per year each from this fund, the Socialists are permitted to propagate Socialism and support Socialists to their hearts' content, because this is their conviction. Other members who may be either Liberal or Conservative inclined, whose consciences may dictate to them that they should support candidates of their own views, who may be strong supporters of many Labour reforms, are strictly forbidden and are generally branded as "traitors" to the cause of labour if

they do. Herein comes the unfairness. So long as the contributions are placed in the same bowl, and each one draws out of the same bowl, then all should cease propagating their own political views or support candidates or parties of their own opinions. For it cannot be stated that all the Trade Unionists who are compelled to contribute towards the Parliamentary Fund are Socialists, nor can they be all convinced that Socialism is likely to be the certain cure for all ills, as persuaded by some Socialists.

If the Independent Labour Party desires to have freedom to propagate its faith and policy at will, and no one else is to be allowed to express his faith and convictions, then the fair thing would be for the Independent Labour Party to finance their own candidates and members, and not draw so heavily from the Trade Union funds.

Trade Unionists are not all concerned about Socialism. What they are concerned about is, they pay heavy subscriptions to their Unions for the improvement and protection of their conditions of labour, to secure the best terms possible and obtain the highest value for their labour, protection for their health, prevention from accidents, and comfortable conditions whereby they can perform their labours. Many of these in part can be secured outside Parliament through their Unions, but can

be more completely obtained by the auxiliary efforts of their own class, with full knowledge and experience of their aspirations, from within the House of Commons.

Upon questions of these kinds there could be no division of opinion, and every Labour member, whether he belonged to the "pledged" Party or to the non-pledged Trade Union Section, would heartily unite with every other section which might have the same objects in view. In such matters united action would be secured without any "pledges," and if so, why demand "pledges"? Any Labour representative who opposed measures of the kind would have a short career with his own Union, and more than likely in representing his constituency. The demanding of a man's signature to a "pledge" to abide by any decision of the Party upon some future unknown thing must appear as having some ulterior motive, and cannot for long maintain that extreme discipline. At the Belfast Conference, after only one year of Parliamentary experience, the members of Parliament "pledged" to the Party pleaded for more freedom. The Conference, however, did not grant this request, as by now the disciplinarians have got so strong that it will be most difficult to relax it. Had the relaxation of discipline been advocated a few years earlier, or the second clause of the Constitution of

the Party allowed to remain as it was at first, there would never have been, nor ought there to be, two groups of Labour representatives in the House. It was not until three years after the formation of the Party that the "pledge" was decided upon. Strange to say, the principal advocates of this were Mr. Keir Hardie and his followers. Some of his followers failed to be loyal to it during the 1906 Session, when they voted contrary to the decisions of the Party on one or two questions. But the rejection of the Woman's Suffrage Bill by the Conference was too much for Mr. Hardie himself, who, perhaps for the first time, found his conscience coming into conflict with his "pledge."

This instance may do more than anything else to relax the excessive discipline enforced upon the members, and allow a little liberty of conscience and action to all. Indeed, a Labour member, or, for the matter of that, any other member, would be utterly unworthy of his position if he could not be trusted to represent his constituents of both kinds, the members of his Union and the electors in his constituency. To sign a "blank" pledge, to be obedient to a decision on some future date upon some questions unknown, is like signing a blank cheque and letting the payee fill it in. It has a more important moral effect even than that—

it assumes to dictate to a constituency of electors what their representative shall do, and how he shall do it, and totally disregarding the opinions of those who elected him. Parliament would thus become an assembly of delegates of a section, and not a House of Representatives.

The British electors are not likely to tolerate such a system for long.

Foreign, Colonial, Imperial, Naval, Military, and Religious affairs, besides many Home subjects, are matters upon which opinions will differ, and no pledge can compel men to act contrary to their consciences and the opinions of their constituencies. Labour members are invariably men in favour of Peace. Supposing the Labour Party decided in favour of pressing the Government to cease building Warships, would the Labour members representing Dockyards vote with their Party and against their constituents? It is a certainty they would not. Many other illustrations of the same kind may be quoted, which clearly shows the absurdity of demanding a "pledge" to something unknown at the time. The desire of the Labour Party is only equal to the desire of many others equally anxious for the uplifting of the masses of the people. All Labour men are agreed upon this, and there are many questions upon which there would be complete unanimity without any "pledge." Then why

divide a body by such a demand, who would otherwise be united?

The greatest success will come from a Labour Party united upon all questions directly affecting labour, with freedom of conscience and liberty of action on all other matters.

If the Labour Party will revert to the policy and line of action pursued by the Parliamentary Committee of the Trades Union Congress, and work unitedly with that body, recognising all Labour representatives on an equality, distinguishing between none who honestly support them, and seek the support of all other candidates for, or members of Parliament who are likely to, and who are known will, support the greatest number of the demands of labour, then greater reforms in the safety of the workpeople, healthy and better conditions of labour, better homes and surroundings, less degeneration through want of employment, and some provision for the aged and worn-out industrial warriors, can be achieved without engendering class hatred or bitterness of feelings. It should be recognised that men holding honest convictions cannot and will not be coerced. Greater results can be accomplished by moderation, toleration, and co-operation.

Trade Unions are qualified, competent, and able to work out reforms if the men were to support

them more. All the efforts possible should be made to organise all working men in their respective Trade Unions and avoid sectionalism, then their support would be secured; while outside, their support cannot be relied upon even in any effort made to ameliorate their own conditions.

APPENDIX

COMPARISON OF THE TWO TRADE UNION BILLS

GOVERNMENT BILL, 1906

A Bill to provide for the regulation of Trades Unions and Trade Disputes

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. *Amendment of law of conspiracy in the case of trade disputes* (38 & 39 *Vict. c.* 86).—The following paragraph shall be added as a new paragraph after the first paragraph of section three of the Conspiracy and Protection of Property Act, 1875 :—

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable as a tort."

2. *Peaceful picketing.*—(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union in contemplation of furtherance of a trade dispute, to attend peaceably and in a reasonable manner, at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of obtaining or communicating information, or of persuading any person to work or abstain from working.

(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from "attending at or near" to the end of the section.

3. *Removal of liability for interfering with another person's business, etc.*—An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable as a tort on the ground only that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4. *Prohibition of actions of tort against trade unions except in certain circumstances.*—(1) Where a committee of a trade union constituted as hereinafter mentioned has been appointed to conduct on behalf of the union a trade dispute, an action whereby it is sought to charge the funds of the union with damages in respect of any tortious act committed in contemplation or furtherance of the trade dispute, shall not lie, unless the act was committed by the committee or by some person acting under their authority :

Provided that a person shall not be deemed to

have acted under the authority of the committee if the act was an act or one of a class of acts expressly prohibited by a resolution of the committee, or the committee by resolution expressly repudiate the act as soon as it is brought to their knowledge.

(2) The committee may be a committee appointed either generally to conduct all trade disputes in which the union may be involved, or to conduct any trade disputes of a specified class or in a specified locality, or to conduct any particular trade dispute.

5. *Short title and construction.*—(1) This Act may be cited as the Trade Disputes Act, 1906, and the Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

(2) In this Act the expression "trade union" has the same meaning as in the Trade Union Acts, 1871 and 1876.

LABOUR MEMBERS' BILL, 1906

A Bill to Amend the Law relating to Trades Unions and Trade and other Disputes

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Legalisation of peaceful picketing.*—It shall be lawful for any person or persons acting either on their own behalf or on behalf of a trade union or other association of individuals, registered or unregistered, in contemplation of or during the continuance of any trade dispute, to attend for any of the following purposes at or near a house or place where a person resides or works, or carries on his business, or happens to be—

(1) for the purpose of peacefully obtaining or communicating information ;

(2) for the purpose of peacefully persuading any person to work or abstain from working.

2. *Amendment of law of conspiracy.*—An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be ground for an action, if such act when committed by one person would not be ground for an action.

3. *Protection of trade union funds.*—An action shall not be brought against a trade union, or other association aforesaid, for the recovery of damage sustained by any person or persons by reason of the action of a member or members of such trade union or other association aforesaid.

4. *Short title.*—This Act may be cited as the Trades Dispute Act, 1906.

TRADES DISPUTE ACT, 1906

Chapter 47

An Act to provide for the regulation of Trades Unions and Trade Disputes.

[21*st December* 1906]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. *Amendment of law of conspiracy in the case of trade disputes* (38 & 39 *Vict. c.* 86). — The following paragraph shall be added as a new paragraph after the first paragraph of section three of the Conspiracy and Protection of Property Act, 1875 :—

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

2. *Peaceful picketing.* — (1) It shall be lawful for one or more persons, acting on their own behalf

or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from "attending at or near" to the end of the section.

3. *Removal of liability for interfering with another person's business, etc.* — An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4. *Prohibition of actions of tort against trade unions.* — (1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) 34 & 35 *Vict. c.* 31.—Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the

Trades Union Act, 1871, section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5. *Short title and construction.*—(1) This Act may be cited as the Trade Disputes Act, 1906, and the Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

(2) In this Act the expression "trade union" has the same meaning as in the Trade Union Acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

(3) In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of th employer with whom a trade dispute arises; and, in section three of the last-mentioned Act, the words "between employers and workmen" shall be repealed.

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